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JOURNAL

OF THE

INDIANA STATE SENATE,

DURING THE

FORTY-EIGHTH SESSION

OF THE

GENERAL ASSEMBLY,

COMMENCING WEDNESDAY, NOVEMBER 13, 1872.

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SPECIAL SESSION.

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1872



JOURNAL  
OF THE  
SENATE OF INDIANA.

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SPECIAL SESSION, 1872.

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WEDNESDAY AFTERNOON.

NOVEMBER 13th, 1872.

The Senate met at 2 o'clock P. M., in their Chamber, in pursuance of the following proclamation of His Excellency, the Governor:

PROCLAMATION.

STATE OF INDIANA,  
EXECUTIVE DEPARTMENT.

WHEREAS, The public welfare requires that the General Assembly of the State of Indiana should be convened in Special Session:

Therefore, In pursuance of the Constitutional provision on that subject, I, CONRAD BAKER, Governor of the State of Indiana, do, by this Proclamation, call a Special Session of said General

Assembly, to be held at the State House in Indianapolis, commencing at (2) two o'clock P. M., of Wednesday, the thirteenth (13th) day of November, A. D., 1872, hereby requiring the members and the members elect thereof to meet at their respective Halls of Legislation, in said State House, at the time above designated.

In witness whereof, I have hereunto subscribed my name, and caused the seal of the State to be affixed, at the City of

[L. S.] Indianapolis, this 22d day of October, in the year of our Lord, one thousand eight hundred and seventy-two.

By the Governor:

CONRAD BAKER.

JOHN H. FARQUHAR, Sec'y of State.

By O. M. EDDY, Deputy.

James W. Cole, of Tippecanoe county, Assistant Secretary of the last Regular Session, called the Senate to order, and announced that he had deputized D. H. Olive, Minute Clerk of the last Regular Session, to organize the Senate in his stead, as he was now a member of the House.

Mr. Olive then took the chair and proceeded to call the roll, when the following Senators holding over, answered to their names:

Messrs. Addison Armstrong, Jason B. Brown, John Beggs, Othniel Beeson, Ochmig Bird, Leroy Cave, John Collett, Wiley E. Dittmore, Hugh Daugherty, Robert Dwiggins, Benoni S. Fuller, Hiram Francisco, Richard Gregg, Oliver J. Glessner, Lucius Hubbard, Robert Miller, Moses K. Rosebrugh, John Stroud, Asbury Steele, Henry Taylor, James D. Williams, and Richard C. Wadge—22.

The following Senators elect appeared, presented their credentials and were sworn in by Judge A. C. Downey, of the Supreme Court of the State of Indiana, and took their seats, viz:

From the counties of Cass and Fulton—Milo R. Smith.

From the counties of Floyd and Clark—Albert W. Hall.

From the county of Marion—W. C. Thompson and Dandridge H. Oliver.

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NOTE—Section 3, of Article 4, of the Constitution of Indiana, declares that Senators shall be elected for the term of four years, and Representatives for the term of two years next after their general election. The call, therefore, embraces none of the members of the last General Assembly, except such Senators as hold over.

From the counties of Delaware and Madison—James Orr.

From the counties of Adams and Allen—John D. Sarnighausen.

From the counties of Lawrence and Monroe—George W. Friedley.

From the counties of Scott and Jennings—Jonathan W. Friedley.

From the counties of Fayette and Union—Richard M. Haworth.

From the counties of Rush and Decatur—George B. Sleeth.

From the counties of Putnam and Hendricks—Addison Daggy.

From the counties of Clinton and Boone—Andrew J. Boone.

From the counties of Henry and Hancock—William R. Hough.

From the county of Randolph—Andrew J. Neff.

From the counties of Hamilton and Tipton—William O'Brien.

From the counties of Fountain and Warren—William P. Rhodes.

From the counties of Laporte and Starke—J. H. Winterbotham.

From the county of Elkhart—James R. Beardsley.

From the counties of Kosciusko and Whitley—Charles W. Chapman.

From the counties of DeKalb and Steuben—W. Irving Howard.

From the county of Vanderburg—H. Clay Gooding.

From the counties of Washington and Harrison—John A. Bowman.

From the counties of Johnson and Morgan—M. R. Slater.

From the county of Montgomery—J. F. Harney.

From the counties of Noble and Lagrange—William Bunyan.

From the counties of Clay and Sullivan—Morgan B. Ringo—26.

On motion by Mr. Wadge,

The Senate proceeded to the election of officers thereof.

Mr. Taylor put in nomination for President *pro tempore* of the Senate, Mr. George W. Friedley, of Lawrence county.

Mr. Fuller put in nomination for President *pro tempore* of the Senate, Mr. James D. Williams, of Knox county.

*Those who voted for Mr. Friedley were, Senators*

Brown,	Dwiggins,	Hough,
Beeson,	Daggy,	Howard,
Beardsley,	Friedley, of Scott,	Miller,
Bunyan,	Gooding,	Neff,
Collett,	Hubbard,	Oliver,
Chapman,	Haworth,	Orr,

O'Brien,	Sleeth,	Thompson,
Rhodes,	Taylor,	Wadge—25.
Steele,		

*Those who voted for Mr. Williams were, Senators*

Armstrong,	Daugherty,	Rosebrugh,
Beggs,	Fuller,	Ringo,
Boone,	Francisco,	Stroud,
Bowman,	Gregg,	Smith,
Bird,	Glessner,	Sarnighausen,
Cave,	Hall,	Slater,
Dittemore,	Harney,	Winterbotham—21.

Senator George W. Friedley having received a majority of all the votes cast, was declared duly elected President *pro tempore* of the Senate.

On motion by Mr. Orr,

Senators Beeson and Williams were appointed a committee to conduct the President elect to the chair.

The President, upon taking his seat, made the following remarks:

GENTLEMEN OF THE SENATE:

I am profoundly grateful to you for this mark of your confidence and respect. To be called to preside over the deliberations of this body, composed of gentlemen of so much experience, learning and ability, is a compliment for which I am sincerely thankful. I can not but regret that your choice had not fallen upon one more worthy and better qualified to discharge the important duties of this position. However, with your co-operation, I shall enter upon the discharge of these duties as best I am able, promising you zeal and impartiality in the discharge of these duties. In conclusion, may I not express the hope that we will, as far as possible, banish party feeling, and that we will remember only that we are legislators for a great and growing commonwealth, and that we will earnestly address ourselves to such matters of legislation as will redound to the honor and welfare of the great State of Indiana."

The election of a Principal Secretary being in order, Mr. Taylor put in nomination for that office, David H. Olive, of Boone county.



Mr. Glessner put in nomination, Samuel W. Holmes, of Jackson county, for that office.

*Those who voted for David H. Olive were, Senators*

Brown,	Gooding,	O'Brien,
Beeson,	Hubbard,	Rhodes,
Beardsley,	Haworth,	Steele,
Bunyan,	Hough,	Sleeth,
Collett,	Howard,	Taylor,
Chapman,	Miller,	Thompson,
Dwiggins,	Neff,	Wadge,
Daggy,	Oliver,	Mr. President—26.
Friedley, of Scott,	Orr,	

*Those who voted for Samuel W. Holmes were, Senators*

Armstrong,	Fuller,	Ringo,
Beggs,	Francisco,	Stroud,
Boone,	Gregg,	Smith,
Bowman,	Glessner,	Sarnighausen,
Bird,	Hall,	Slater,
Cave,	Harney,	Williams.
Daugherty,	Rosebrugh,	Winterbotham—21.

Mr. Olive having received a majority of all the votes cast, was declared duly elected Principal Secretary of the Senate.

The Secretary elect came forward, took the oath of office, and entered upon the discharge of his duties.

The President announced that nominations for Assistant Secretary of the Senate were in order.

Mr. Taylor put in nomination for that office, P. P. Culver, of Tippecanoe county.

Mr. Gregg put in nomination for that office, Omer F. Roberts, of Dearborn county.

*Those who voted for P. P. Culver, were, Senators*

Brown,	Beeson,	Beardsley,
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Bunyan,	Haworth,	Rhodes,
Collett,	Hough,	Steele,
Chapman,	Howard,	Sleeth,
Dwiggins,	Miller,	Taylor,
Daggy,	Neff,	Thompson,
Friedley, of Scott,	Oliver,	Wadge,
Gooding,	Orr,	Mr. President—26.
Hubbard,	O'Brien,	

*Those who voted for Omer F. Roberts were, Senators*

Armstrong,	Fuller,	Ringo,
Beggs,	Francisco,	Stroud,
Boone,	Gregg,	Smith,
Bowman,	Glessner,	Sarnighausen,
Bird,	Hall,	Slater,
Cave,	Harney,	Williams,
Daugherty,	Rosebrugh,	Winterbotham—21

P. P. Culver having received a majority of all the votes cast, was declared duly elected Assistant Secretary of the Senate.

The Assistant Secretary elect came forward, took the oath of office and entered upon the discharge of his duties.

The President announced that nominations for Doorkeeper were now in order.

Mr. Taylor put in nomination for that office, Theodore W. Pease, of Marion county.

Mr. Fuller put in nomination for that office, J. W. Cookerly, of Monroe county.

*Those who voted for Theodore W. Pease were, Senators*

Brown,	Gooding,	O'Brien,
Beeson,	Hubbard,	Rhodes,
Beardsley,	Haworth,	Steele,
Bunyan,	Hough,	Sleeth,
Collett,	Howard,	Taylor,
Chapman,	Miller,	Thompson,
Dwiggins,	Neff,	Wadge,
Daggy,	Oliver,	Mr. President—26.
Friedley, of Scott,	Orr,	

*Those who voted for J. W. Cookerly were, Senators*

Armstrong,	Fuller,	Ringo,
Beggs,	Francisco,	Stroud,
Boone,	Gregg,	Smith,
Bowman,	Glessner,	Sarnighausen,
Bird,	Hall,	Slater,
Cave,	Harney,	Williams,
Dittemore,	Rosebrugh,	Winterbotham—22.
Daugherty,		

Theodore W. Pease having received a majority of all the votes cast, was declared duly elected Doorkeeper of the Senate.

The Doorkeeper came forward, took the oath of office, and entered upon the discharge of his duties.

Mr. Orr offered the following resolution :

*Resolved*, That the Secretary of the Senate be instructed to inform the House that the Senate has organized by the election of Hon. George W. Friedley, of Lawrence and Monroe counties, President ; David H. Olive, of Boone county, Principal Secretary ; P. P. Culver, of Tippecanoe county, Assistant Secretary ; and Theodore W. Pease, of Marion county, Principal Doorkeeper ; and that the Senate is ready to proceed to legislative business.

Which resolution was adopted.

Mr. Wadge moved that a committee of two be appointed to act with a like committee from the House, to wait upon the Governor, and inform him of the organization of the two Houses of the General Assembly.

Which motion was agreed to.

Whereupon, the President appointed Messrs. Wadge and Fuller as said committee.

Mr. Dwiggins offered the following resolution :

*Resolved*, That the Senate adopt the rules of the special session of the Senate of 1869, for its government, until such time as permanent rules shall be adopted.

Mr. Brown moved to amend the resolution by inserting the words "of the regular session of the Senate of 1871" in place of the words "of the special session of the Senate of 1869," and amending rule eighth of the session of 1871 by inserting in line two of said rule, the words "presiding officer" before the word "Senate."

Which motion was agreed to.

The question recurring on the adoption of the resolution as amended, it was adopted.

Mr. Dwiggins offered the following concurrent resolution :

*Resolved by the Senate (the House of Representatives concurring,)* That a joint committee of one Senator and two Representatives from each Congressional District of the State, be appointed, those of the Senate, by the President thereof, and those of the House by the Speaker thereof, whose duty it shall be to prepare a bill for the reorganization of the judiciary system of the State, and report the same to both Houses on the sixth day of the next regular session of this General Assembly; said committee shall have authority to sit during the interim between the present and next regular session of this General Assembly.

Mr. Glessner offered the following substitute :

WHEREAS, It is evident that the public good requires some change in our present judicial system ; therefore,

*Resolved by the Senate and House of Representatives,* That a joint committee be appointed, to consist of eleven members, four from the Senate and seven from the House of Representatives, to be selected, one from each Congressional District, whose duty it shall be to take into consideration the propriety of reforming the judicial system of the State, and report, by bill or otherwise, at an early day in the session.

Mr. Dwiggins moved that the resolution and substitute do lie on the table and be made the special order for next Wednesday, at two o'clock P. M.

Which motion was agreed to.

Message from the House by Mr. Nixon, clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has organized by electing the following officers :

Speaker, Hon. W. K. Edwards; Principal Clerk, Hon. Cyrus T. Nixon; Assistant Clerk, M. G. McLain; Doorkeeper, W. T. Lockhart; and that the House is now ready to proceed with legislative business.

Also, I am directed by the House to inform the Senate that the House has passed the following resolution:

*Resolved*, That a committee of three on the part of the House, to act with a like committee on the part of the Senate, be appointed to inform the Governor that the special session of the General Assembly, ordered by proclamation of the Governor, is now organized and ready to receive any communication he may be pleased to make, and that the Speaker has appointed Messrs. Satterwhite, Cauthorn and Lee on such committee on the part of the House.

Mr. Hubbard offered the following resolution :

*Resolved*, That a committee of five be appointed by the President to revise the rules of the Senate, and report as soon as practicable.

Which resolution was adopted.

Mr. Rhodes offered the following resolution :

*Resolved*, That the President appoint a committee of five Senators to confer with the officers elect of the Senate and report the names and number of the assistants required for each of said officers.

Which resolution was adopted.

On motion by Mr. Wadge,

The Senate adjourned.

## THURSDAY AFTERNOON.

NOVEMBER 14, 1872, 2 O'CLOCK P. M.

The Senate met.

Magnus G. Carnahan appeared and took his seat.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, to-wit.:

*Resolved*, That the Senate be invited to meet the House of Representatives this afternoon at two o'clock, in joint convention, in the hall of the House of Representatives, to hear such communication as His Excellency the Governor may see proper to make.

On motion by Mr. Orr,

The message of the House of Representatives was taken up and the invitation accepted.

Mr. Brown offered the following resolution:

*Resolved by the General Assembly of the State of Indiana*, That the following amendment be proposed to the Constitution of Indiana:

“No law or resolution shall be passed by the General Assembly of the State of Indiana that shall recognize any liability of the State to pay or redeem any certificate or stock issued in pursuance of an act entitled ‘An act to provide for the funded debt for the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville,’ passed Jan. 19, 1846, and an act supplemental to said act, passed January 29, 1847, which, by the provisions of said acts, or either of them, shall be payable exclusively from the proceeds of the canal lands and the tolls and revenues of the canal, in said acts

mentioned, and no such certificates or stocks shall ever be paid by the State."

On motion by Mr. Brown,

The resolution was referred to the committee on the judiciary.

The Senate, preceded by the President, then repaired to the hall of the House of Representatives to receive the message of His Excellency the Governor, the President of the Senate occupying the chair.

Mr. Brown moved that a committee of three be appointed to wait upon the Governor and inform him that the Joint Convention of the Senate and House of Representatives was organized and ready to receive any message he might wish to make to it.

Which motion was agreed to.

The President of the Senate designated Senator Brown, and the Speaker of the House designated Representatives Cauthorn and King as that Committee.

The throne of Grace was addressed by Rev. Mr. Kumler.

The Governor then delivered the following message to the two Houses of the General Assembly in Joint Convention :

*Gentlemen of the Senate and House of Representatives :*

The growth of the State in population and wealth, and the consequent increased diversity and importance of the subjects and interests requiring legislative supervision and protection, render it impracticable for the General Assembly to transact all the business demanding its attention during its regular biennial sessions (limited as these are by the Constitution to the term of sixty-one days each), even when nothing extraordinary occurs to impede and prevent legislation. When, however, to these considerations the fact is added, that the last three sessions were all prematurely and abruptly terminated by the resignation of members, and by reason thereof much important and necessary legislation failed to be enacted, no other means need be offered in explanation of the exercise of the Constitutional power of calling you together at this time in special session.

COMPLETION OF UNFINISHED BUSINESS OF ONE SESSION BY  
ANOTHER.

The act of March 4, 1865, entitled "An act providing for the completion of the unfinished business of any session of the General Assembly by the next succeeding special session of the same General Assembly," ought to be promptly amended. As it now stands, the unfinished business of any regular or special session which is succeeded by a *special* session of the same General Assembly may be taken up and completed by such special session; but, when a special session is succeeded by a regular session of the same General Assembly, there is no provision that the latter may take up and complete the business of the former. This amendment is necessary to enable you at your approaching regular session to complete the business which may be left in an unfinished condition at the close of the present special session.

THE GARRETT SUIT AGAINST THE WABASH AND ERIE CANAL.

Those of you who were members of the last General Assembly will remember that in my regular message, delivered at the commencement of that session, I called especial attention to the fact that a suit had been commenced in the Circuit Court of Carroll county, by John W. Garrett, Esq., to enforce against the Wabash and Erie Canal an alleged lien, created by the State prior to 1841, and held by Garrett and others, for whose benefit the suit is brought.

The State, between the years 1834 and 1841, issued a large number of bonds for internal improvement purposes. One hundred and ninety-one of these bonds, or thereabouts, of \$1,000 each, exclusive of interest, are still outstanding, the rest having been surrendered under the legislation of 1846 and 1847, commonly called the "Butler Bill."

Mr. Garret assumes to be, and I suppose is, the holder of forty-one of these one hundred and ninety-one old bonds, and he sues for himself as well as the holders of the residue, to enforce a lien on the Canal and its revenues, which, it is alleged, was created by the legislation under which the bonds were issued.

Hon. Horace P. Biddle, Judge of the Court, on the hearing of a demurrer in the cause, decided that the bonds were a lien on the Canal paramount to the title of the Trustees, derived from the State in 1847 under the "Butler Bill," and I am fully satisfied that the



decision was a correct one. Garrett's action has been removed by a *change of venue* from the Circuit Court of Carroll county to the Circuit Court of Cass county, where it is now pending. The term of the Cass Circuit Court commenced two days ago, viz., on the 11th instant, and a judgment may be rendered in a very short time, subjecting the Canal or its revenues to the satisfaction of the claim. The State is not a party to the suit and can not, therefore, exercise the right of appeal, nor can she, under existing legislation, insist that the Trustees shall appeal if they do not desire to do so; and if even the Trustees shall desire to appeal, they might not be able to stay the execution of the judgment by giving the necessary appeal bond and security in the absence of any provision by the State for indemnifying the sureties in the appeal bond. Under these circumstances, it is of the highest moment that the subject should receive immediate consideration by you.

I quote from my last regular message the following extracts as expressive of my present views on the subject:

"If these bonds are a lien upon the Wabash and Erie Canal, as I believe them to be, the State can not afford to permit the title of the Trustees to be divested or their possession and control of the Canal and its revenues to be interrupted by the judicial enforcement of said lien. To prevent this, provision should be made to pay out of the Treasury of the State such of said one hundred and ninety-one bonds as may be adjudged to be a lien on the Canal and its revenues whenever it may become necessary to make such payment in order to prevent the Canal or its revenues from being subjected to the satisfaction of the lien. Indeed, independently of this lien altogether, I do not see how the State can honorably refuse to redeem these few outstanding Internal Improvement Bonds. They were issued by the State, and the faith of the State was pledged for their redemption, and this pledge can not be disregarded or set aside without the consent of both parties to the contract, if the State has the ability to redeem the pledge, of which there can be no doubt. If the holders of the bonds had surrendered them under the Butler Bill, as other holders surrendered theirs, and agreed to look exclusively to the revenues of the Canal for one-half of their debt, this would have been a new contract, and the State could not be justly complained of for insisting on its execution. But the holders of the bonds now under consideration have continuously refused to surrender them under the adjustment proposed by the Butler Bill,

and the State can not compel them to do so, nor can she refuse to pay them without repudiating her plighted faith.

"If the State should stand by and permit the Canal or its revenues to be wrested from the hands of the Canal Trustees, to satisfy a paramount lien created by the State itself prior to the conveyance of the Canal to said Trustees, then, indeed, might the holders of the Canal stocks, with some show of reason, claim that the State should redeem the many millions of dollars of Canal stocks which, under the existing arrangement, are exclusively charged upon the Canal and for which the State is in no way bound.

"I hope that you will promptly adopt such measures as will forever prevent the possibility of the trust being disturbed or impaired by the enforcement of this lien. It is both right and expedient that the State should thus protect the trust property, and I also recommend that the State relieve the Board of Canal Trustees from all the expenses of the litigation to which they have been or may be subjected to in defending the trust property from the attempt made to subject it to the satisfaction of said lien."

Sixty-nine of these one hundred and ninety-one old bonds are held by the Interior Department of the General Government, and I herewith respectfully submit to you a copy of an official communication written to me under date March 25, 1872, by Hon. Columbus Delano, Secretary of that Department, in relation to the unpaid interest due on the sixty-nine bonds last mentioned.

#### CONSTITUTIONAL AMENDMENT IN RELATION TO CANAL DEBT.

The last General Assembly passed a joint resolution proposing an amendment to the Constitution of this State in relation to the debt charged upon the Wabash and Erie Canal under the adjustment made by the State with her creditors in 1847.

The proposed amendment provides that no law or resolution shall ever be passed by the General Assembly of the State of Indiana that shall recognize any liability of the State to pay or redeem any certificate of stock issued in pursuance of "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," passed January 19th, 1846, and an act supplemental to said act, passed January 29th, 1847, which, by the provisions of the said acts, or either of them, shall be payable exclusively from the proceeds of the Canal lands, and the tolls and revenues of the Canal in said acts mentioned, and no such

certificate of stocks shall ever be paid by this State. I earnestly recommend that the amendment, the substance of which I have just stated, be promptly agreed to and adopted by the present General Assembly at this session, and that provision be made by law for its speedy submission to the people for ratification. Having heretofore so fully discussed the questions involved in the proposed amendment, I do not deem it expedient or necessary now to reiterate my opinions or the arguments urged in support of them, but content myself by saying, that the views expressed in my last regular message on the subject of the Canal debt, and the necessity and propriety of such an amendment to the Constitution, remain unchanged. To the end that these views may be conveniently accessible to all of you, I will cause a pamphlet copy of the message alluded to, to be addressed and delivered to every member of this General Assembly. The fact was brought to my notice some time since that the printed journals of the Senate and House of Representatives of the last General Assembly do not show that the proposed amendment, with the yeas and nays thereon, was entered on the Journal of either House, and consequently, doubt has been expressed as to the validity of the proceedings connected with its adoption.

The Constitution provides that amendments may be proposed in either branch of the General Assembly, and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments, shall, with the yeas and nays thereon, be entered on their journals and referred to the General Assembly to be chosen at the next general election; and if in the General Assembly so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, then it shall be the duty of the General Assembly to submit such amendment or amendments to the electors, etc. An inspection of the printed journals will show that the yeas and nays were called and recorded on the passage of the joint resolution in both Houses; that it passed the Senate by a vote of forty-five yeas to one nay; that it passed the House by a unanimous vote, ninety-three members voting for, and none against it. The Joint Resolution was duly enrolled, signed by the President of the Senate and the Speaker of the House of Representatives, and is deposited in the office of the Secretary of State, and was printed and published with the laws passed at the same session. Under these circumstances, I am clear in the opinion that the omission to spread the amendment at large on the journals does not vitiate it. The

provision which says that the amendment shall be entered on the journals, if indeed it means that it shall be copied at full length, is, at the most, only directory and not mandatory, and consequently the amendment, if passed by the present General Assembly and ratified by the people, will be valid as a part of the Constitution.

In this connection, I desire to call attention to the fact that the original manuscript journals of the Senate and House of Representatives are not preserved, but are sent to the Public Printer and used as copy from which to print, and then destroyed. The journals are printed after the adjournment of the General Assembly under the supervision of the Secretary of the Senate and the Clerk of the House respectively, and as the original manuscript is destroyed after the proof is read, there is no possible means of detecting or correcting any omission or mistake which might be made in the printed volume. I respectfully suggest that this practice ought to be discontinued and that the original manuscript journals should be bound in permanent form and preserved in the office of the Secretary of State and copies thereof furnished to the printer.

#### THE LATE NORMAN EDDY.

On the 28th day of January of the present year, Colonel Norman Eddy, Secretary of State, departed this life at his residence in this city, after having faithfully performed the duties of that office for about one year, or half the term for which he was elected. The singular beauty and integrity of Col. Eddy's public and private life, his gallant services as a soldier of the Union in the war to suppress the late rebellion, and the industry, fidelity and skill with which he performed the duties of the many public trusts to which he was called, render it fitting that I should leave on record this brief tribute to his memory. He died in circumstances by no means affluent, and Col. John H. Farquhar, whom I appointed to fill the vacancy, appointed Mr. Owen M. Eddy, son of the deceased Secretary, his deputy, and generously allowed the entire salary and all the perquisites of the office to go to the widow and family of his deceased predecessor. Although the labors of the office have been mainly performed by the deputy, its responsibilities and some of its cares and duties, have necessarily fallen upon Col. Farquhar, and I would consider myself remiss in duty if I did not thus publicly express my grateful appreciation of his conduct. May the bread which he has thus cast upon the water be found by him or his, though it should be after many days.

## FEES AND SALARIES.

The act of February 21, 1871, entitled "An act regulating the fees, salaries and duties of certain officers therein named, and prescribing penalties for the violation of its provisions," has proved to be a very defective and ill considered piece of legislation. Some of the provisions of the act are of such doubtful constitutionality that a portion of the Circuit and Common Pleas Judges have held them to be null and void, while the Judges of other circuits and districts have adjudged the same provisions to be constitutional. The Judges of the Supreme Court itself are equally divided on one or more of these questions, and therefore unable to reverse conflicting and contradictory decisions of the lower courts. The result is not only that we have all the evils of local legislation by having one law or rule of action in one county or circuit and another law or rule of action in the adjoining county or circuit, but diverse rules prevail in the same county where the Judges of the courts thereof differ in opinion as to the constitutionality of certain provisions of the act. This evil is even greater than the extortions that were practiced under the former law, and if a satisfactory fee and salary bill of unquestionable constitutionality can not be perfected and passed at the present session, it would be better to repeal the act alluded to and revive the old law which was supplanted by it, than to suffer longer under existing evils. There can be no question that the former law needed revision, and its revival could only be justified as a temporary expedient, until a just, constitutional and satisfactory measure can be perfected and passed. I respectfully recommend that a commission to consist of five or more experienced and competent persons be appointed with the least practicable delay, to prepare and report a fee and salary bill to the General Assembly for its consideration at the approaching regular session. The fact that the Judges of the Supreme Court are equally divided as to the constitutionality of some of the provisions of the present fee bill shows the necessity of having an odd instead of an even number of Judges on the bench of that Court. I, therefore, for this and other reasons, renew the recommendation made at the last session of the General Assembly, that provision be made for the addition of another Judge to the bench of the Supreme Court, so that the whole number of Judges shall be five instead of four. I also earnestly repeat the recommendation that the Judges of that Court be allowed salaries commensurate with the dignity of their positions, and the learning and

industry necessary for the performance of the duties of these positions. As I shall never again have a personal interest in the Governor's salary, I may now also be permitted to speak on that subject. For the credit of the State, and in justice to my successors, immediate and remote, I trust you will, before the commencement of the term of the Governor elect, provide a fixed and adequate salary for the office. If this matter is not attended to at this session, or before my successor shall have assumed the duties of the office, it can not be during his incumbency. The sum allowed should be fixed by the law-making power, but should be in the alternative; that is, so much as long as the State does not provide the Governor with a furnished residence, and a less sum if such a furnished residence is provided, and kept furnished and in repair by the State. I do not hesitate, after an experience of nearly six years, to say that if the Governor shall be required to provide his own residence, furnish it, and keep it in repair, eight thousand dollars per annum is as small a sum as should be contemplated; and if a furnished dwelling is provided by the State, the salary ought not to be less than five thousand dollars. I trust that no one upon whom the people may hereafter confer the office will be subjected to the annoyance which I have suffered in this connection.

#### CONSTITUTIONAL CONVENTION.

It is now more than twenty-one years since the present Constitution became the fundamental law of Indiana, and in my judgment the time has come when the best interests of the State require that provision should be made for calling a convention to be elected by the people, for the purpose of revising and amending that instrument.

The thirteenth article, and all the other provisions of our Constitution which sought to degrade men and put them under the public ban because the complexion of their skins did not happen to conform to the approved Caucasian standard are a reproach to the State, and ought to be stricken out by command of the sovereign people themselves. It is true that these provisions are now a dead letter, but they are still in the Constitution, and printed with it every time a new edition of that instrument is published, the standing witness of our ignorance of, or indifference to human rights, until God scourged us into their recognition by the dread calamity of civil war. Under the Constitution as it now is, it is impossible to have an election law that will be efficient in preventing fraudu-

lent voting. As long as the Constitution neither prescribes nor allows the Legislature to prescribe some term of previous residence, in the county, township, or precinct, as a pre-requisite to the exercise of the right of suffrage, all efforts to prevent the importation of fraudulent voters must be nugatory. The Constitution itself ought to prescribe some term of residence in the proper locality as a condition precedent to the right to vote.

There is little ground of hope that our judicial system will be reformed and adapted to the wants of the people until the Constitution shall itself have been remodeled, and it would require the exercise of superior ingenuity to devise a worse judicial system than that under which we now suffer. There is at present a great demand for civil service reform in the General Government, and in reference thereto, I join in the hope that the hand of reform may not be stayed until the nearest approach to perfection possible in human affairs shall have been attained. I think, however, that the civil service of the State is not so perfect as to justify us in giving all our attention to that of the country at large. The management of our Benevolent, Reformatory and Penal Institutions, is liable to be revolutionized by the triumph of this party or that at any general election. This ought not so to be, and there can be no effectual remedy without an amendment to the Constitution. The directors or managers of these institutions should hold for longer official terms than the Legislature is permitted to create, and a portion of them should go out every year, or every two years, so that the government thereof would be raised above the mutations of mere party, and the requisite experience would always be preserved.

The Judges of the Supreme Court, too, are all elected at the same time, and for the same term of years, and always succeed as the nominees of a political party. The tendency of this is to make the judges partisans, and the fact that every sixth year the bench may be politically revolutionized, creates a temptation on the part of the successful candidates to attempt to secure favor with their party by undoing much of what their politically heterodox predecessors have done. That in point of fact, we have had so little of this to complain of, is greatly to the credit of the judges who have from time to time succeeded to the bench, but the system itself is none the less vicious. If the judiciary ought to be elected by the people at all, a proposition, by the way, which I do not think experience has sanctioned, a portion only of the judges of the Supreme Court should retire and their successors be elected at the same time, so that the

probabilities of the existence of a partisan bench would be diminished, and so that the Court would never be without judges of experience and familiar with the duties of the particular position.

If this General Assembly should see proper to provide for calling a Constitutional Convention, I do not think it should, on that account, omit to adopt and submit to the people for ratification, the pending amendment in relation to the canal debt. Let that amendment by all means be adopted, and it can be submitted, without additional expense to the people, for ratification at the same election at which the Delegates to the Convention shall be chosen, and if it is ratified, as assuredly it will be, the popular vote ratifying it will be an imperative instruction to the Convention to put a similar provision in the revised Constitution. Besides this, the pending amendment, if thus adopted and ratified, would bind the Legislature until the new Constitution shall have been approved by the people, and also provide against the possible contingency of the Convention framing such a Constitution as the people might reject.

#### ADDITIONAL PROVISIONS FOR THE INSANE.

The Indiana Hospital for the Insane has a capacity for about 490 patients, although by crowding it 520 patients have been in the institution at the same time. Experience proves that it ought not to be thus crowded. By making the additions and improvements suggested by the Superintendent in his report, the capacity of the institution can be so enlarged as to accommodate 600 patients, that being an addition to the present capacity of the buildings of rooms sufficient for 110 patients. The estimated cost of these additions and improvements is \$50,000, a much less sum than would provide for the same number of patients in the erection of a new institution. For this reason, and because of the pressing necessity for increased accommodations for the insane, I urgently recommend that an appropriation of the sum named above be made at the present session, and with as little delay as practicable, so that the capacity of the Hospital may be increased at the earliest possible day. By doing this, however, the State will not have performed her duty to the insane within her borders. When the capacity of the present Hospital shall have been increased so as to accommodate 600 patients, there will undoubtedly be 1,000 insane persons within the State who ought to have the care and treatment afforded by such an institution, still unprovided for. To properly provide for these, the State needs



two other hospitals, each having a capacity for the accommodation of at least 500 patients. The State should be divided into three Hospital districts, viz.: a central, a northern and a southern. One new Hospital should be established as near the center of the northern and another as near the center of the southern district as may be found practicable. The State of Ohio already has five such institutions. To erect, furnish and equip two additional Hospitals for the Insane, each having a capacity for 500 patients, will cost about \$1,000,000; but our people can better afford to furnish this amount within the next three years than they can allow the State to fall behind her sister States in providing for this unfortunate class of her citizens. The idea that those who are supposed to be incurably insane should be provided for in separate institutions has been exploded by experience, and I trust will find no favor in the action which you may take on the subject. At least one new Hospital should be erected as soon as possible, and provision for all the insane who need care and treatment should be secured at no distant day.

#### TIPPECANOE BATTLE GROUND.

The Constitution of Indiana declares that it shall be the duty of the General Assembly to provide for the permanent inclosure and preservation of the Tippecanoe Battle Ground. Allow me to call your attention to the fact that this duty has never been performed by your predecessors. The Battle Ground never was permanently inclosed by the State, and the temporary fence by which it was once surrounded has long since disappeared. It is the property of the State, and full of historic interest, and as the people have enjoined in their Constitution that it shall be permanently inclosed and preserved, I can imagine no valid excuse for a failure to obey this injunction.

#### TREATY OF WASHINGTON.

By the Twenty-seventh Article of the Treaty of Washington, concluded between the United States and Great Britain, May 8, 1871, the Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the

St. Clair Flats Canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State Governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties on terms of equality with the inhabitants of the United States.

I herewith respectfully submit for your consideration a copy of an official communication from the President of the United States to myself, calling attention to the provisions of the above mentioned article of said Treaty, and urging upon the State Government of this State to secure to the subjects of Her Britannic Majesty the use of the State canals within the State of Indiana connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the United States and those of Her Britannic Majesty in North America on terms of equality with the inhabitants of the United States.

I commend the subject to your careful attention, in the hope that it may be found practicable to adopt such legislation as will accomplish the object suggested by the President in said communication.

#### HOUSE OF REFUGE.

The House of Refuge, near Plainfield, has been very successful in performing the good work for which it was established, although it has had to encounter many obstacles. For some three years it has had two hundred or more inmates, but the appropriations for its current expenses were made upon the basis, and intended for the support of but a few more than half that number. At the commencement of the last session of the Legislature a debt of \$10,000 for borrowed money had accrued, owing to the deficiency in the appropriations, and this debt has since been added to until it now amounts to \$18,881. Besides this loan, the institution is indebted to supplies to the amount of about \$3,500, making a total indebtedness of \$22,881. It will require about \$4,000 to meet the expenses of the institution up to the first day of April next, the end of its fiscal year. I therefore ask that an appropriation of \$26,881 be made to this institution with the least practicable delay, to enable it to discharge the present indebtedness and defray current expenses to the end of the fiscal year. I herewith respectfully submit a special report of the Board of Control of the House of Refuge, in which

the foregoing matters are more fully explained. Provision should also be made to enlarge the institution so as to double its present capacity. The eleventh section of the act creating the institution ought to be repealed. That section authorizes the sentencing of boys to the House of Refuge for any determinate period, not extending beyond the time when they shall attain the age of twenty-one years. No one can judge in advance how long it will require to reform any particular juvenile delinquent, and hence the impropriety of a sentence for a definite period. If a boy is thus sentenced he must be discharged at the end of the term for which he was sentenced, although his reformation may have but fairly commenced. Every boy who is thus discharged before his reformation is completed is almost sure to relapse into his former vicious courses, and therefore is not benefited himself, but reflects discredit upon the institution and tends to impair the public confidence in its efficiency. Besides this, any juvenile offender may under other sections of the act be committed to the guardianship of the institution until he attains the age of twenty-one years, unless sooner discharged as reformed, without having a record of conviction of crime made against him, and there is therefore no necessity for the section above mentioned. The law governing the admission of boys to the institute should also be so changed as not to allow those under the age of nine or over the age of sixteen years to be committed to its guardianship. The institution is not a prison, and is not therefore a proper place for the punishment of young men convicted of crimes; nor should it be converted into a nursery for quite small children. If even the maximum age shall be reduced from eighteen to sixteen years, as I have suggested, still it may be expected that, by fraudulent representations as to the age of delinquents, boys will be sent to the institution who have passed the proper age; but as it now is, some young men over the age of twenty-one years are, through false representations as to their ages, committed to the House of Refuge to save them from being sent to the Penitentiary. This is highly injurious to the institution and detrimental to the best interests of its younger inmates. We ought to have a prison intermediate between the House of Refuge and the Penitentiary, but the House of Refuge can not perform the functions of such a prison.

If the House of Refuge should be enlarged so as to double its capacity, it would still be unable to receive all the boys who require the reforming influence of such an establishment. A few of the larger cities of the State would furnish boys enough to fill such an

institution. In view of this, the larger cities of the State should not only be empowered, but encouraged to establish similar institutions. The Board of Commissioners of the counties in which such cities are located might, with propriety, be authorized to join with the city authorities in their establishment, and the State could, in my judgment, well afford to contribute a part of the funds necessary to defray the current expenses of such institutions after they shall have been established by the local authorities.

#### SOLDIERS' HOME.

Since the termination of last session of the General Assembly, the old wooden buildings belonging to the Soldiers' Home near Knights-town, were destroyed by fire. They were, at the time of the fire, occupied as quarters for disabled soldiers then connected with the institution, the new brick building being then and still occupied by the soldiers' orphans who have been admitted to the Home. In consequence of the fire all the soldiers who were willing to go to the National Soldiers' Home, near Dayton, Ohio, were sent to that institution, and those who were unwilling to go there were, in accordance with their own preferences, discharged. Since then, the Home has been exclusively for the care of the orphan children of soldiers. It is inexpedient and unnecessary to rebuild the soldiers' department of the Home, and the act creating the institution should therefore be so far modified as to sanction the change in the character of the institution caused by the destruction of the soldiers' quarters. It would be good policy as well as sound economy, in my opinion, to provide for increasing the quantity of land connected with the institution and for creating the work shops which may be necessary to utilize the labor of the children and impart to them at the same time industrious habits.

Up to this time, the number of soldiers' orphans applying for and entitled to admission, has equaled or exceeded the capacity of the institution, but the probabilities are that the time will soon come when the number of soldiers' orphans entitled to admission will be so reduced as to permit the admission of other indigent children. In anticipation of this, I think provision should be made by law for the admission of children from the county asylums of the several counties wherever such can be admitted without excluding any of the class of orphan children now entitled to its benefits. When the property shall no longer be required as a home for soldiers'

orphans, it will be well adapted to and much needed for an Industrial Reform School, somewhat different in character from the House of Refuge. Such a school, in which the waifs of society should be collected and cared for before they become delinquents, would be a blessing to the State and cut off one of the sources through which the criminal classes of our people are increased.

#### THE STATE NORMAL SCHOOL.

The State Normal School has been embarrassed for the want of the means necessary to carry on its operations. A loan of \$4,000 became an imperative necessity, and was made. I believe there is some other floating debt which out to be liquidated without delay. I trust the necessary appropriation will be promptly made.

#### THE INSTITUTION FOR THE EDUCATION OF THE BLIND.

For four years or more, there has been a pressing necessity for the enlargement of the Institution for the Education of the Blind, the increase of this class of our population being such that the present building has become too small to accommodate all who are entitled to the benefits of the institution. The estimates made prior to the meeting of the last Legislature, stated \$65,000 as the amount necessary to make this enlargement. I believe these estimates were correct, and earnestly recommend that such an appropriation be made without delay.

#### THE INDIANA REFORMATORY INSTITUTE FOR WOMEN AND GIRLS.

The building for this much needed institution has remained in an unfinished condition for the last two years, no appropriation having been made to complete it. It is highly important that the building should be speedily completed and furnished, to the end that the female prisoners now in the State Prison at Jeffersonville should be removed thereto, pursuant to the requirements of the act for the establishment of the institution. It is also highly important, that the reformatory department of the institution should be open for the reception of girls at the earliest practicable period.

There is an existing indebtedness of about \$20,000, contracted in the erection of the building, and I trust that an appropriation will be made to pay this, and also to complete and furnish the building, fence the grounds, and put the institution in operation.

## STATE PRISON SOUTH.

I herewith respectfully submit the annual report of the Directors and Warden of the State Prison South. I hope that the indebtedness of the prison mentioned in this report, which was necessarily and unavoidably incurred, may be speedily provided for. The contracts for the labor of the convicts have four years to run from the 1st day of January next, and in my opinion there should be no extension of these contracts, but steps should be taken looking to the abandonment of this prison by the time the present contracts expire. The prison buildings are old, dilapidated, and not well adapted to the purposes for which they are used. The cells are too small, and to continue the prison will necessitate expenditures for repairs to such an extent as to render it better economy to provide a new prison of a milder grade than the one now under consideration. In my opinion, one prison of this grade is sufficient for the State, and the one at Michigan City, being a new and a good one, should be retained and the one at Jeffersonville abandoned. There should be graded prisons and a classification of prisoners. To effect this there should be substituted for the Prison South, a prison of milder type, intermediate between the House of Refuge and the State Prison at Michigan City. To this milder prison, young men too old for the House of Refuge, and older persons who have been overtaken by a first offense under mitigating circumstances, should be sent, so that such offenders may not be associated or put on an equality with professional criminals. If such a prison should be established, provision should be made for the transfer of incorrigible prisoners, who may evince a determination not to reform, to the State Prison at Michigan City, and power should also be lodged somewhere, to transfer prisoners who give satisfactory evidence of reformation, from the penitentiary to the intermediate prison. Such last mentioned transfers might be probationary in their character, and revocable if the prisoner ceased to deserve the favor shown him. Prisoners even of the worst classes are still human beings, governed by the same motives which influence others, and with the proper care and proper appliances, I am satisfied that a majority of them, instead of being made worse by their imprisonment, can be restored to their lost manhood.

The Constitution declares that "the penal code shall be founded on the principles of reformation, and not of vindictive justice." In the spirit of this humane provision, I plead for graded prisons and for a classification of prisoners. Prisons are the only schools in

which the criminal classes can be reformed and taught, and there is just the same necessity for gradation and classification as there is in other schools. There ought to be also a supervisory board, having control of all prison officers, with power of suspension or removal for cause during the vacations of the General Assembly. Under the existing arrangement, the grossest abuses may exist when the General Assembly is not in session, but there is no power to interfere.

I believe that between now and the expiration of the contracts for the labor of the convicts in the Southern Prison, the change in our prison system, which I have so briefly and imperfectly sketched, may be accomplished in accordance with the soundest economy, and in consonance with the latest and best achievements in this particular field of social science.

#### SOLDIERS' MONUMENT.

I herewith respectfully submit the memorial of the Board of Managers of the Indiana Monumental Association, soliciting State aid to the erection of a monument to the memory of Indiana soldiers who periled their lives in the service of their country. The memorial embodies resolutions in favor of the same object of a large meeting of citizens held at Indianapolis in May last, upon the occasion of the decoration of the soldiers' graves at Crown Hill near that city. I cordially commend the memorial, with the subject to which it relates, to your favorable consideration.

I trust that the session upon which you have just entered will be characterized by perfect harmony and will be fruitful of good legislation, and assure you of my desire to co-operate with you in furthering such results.

CONRAD BAKER.

At the conclusion of the delivery of the message, the President of the Senate then declared that the business for which the two Houses of the General Assembly had been called together was concluded, and the Joint Convention was adjourned without delay.

The Senate then returned to its chamber.

Mr. Friedley, of Scott, asked and obtained leave of absence until Monday next.

The Journal of yesterday was read and approved.

Mr. Dwiggins introduced

Senate bill No. 1. A bill to repeal an act entitled "An act to authorize and encourage the construction of levees, dykes and drains and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relating to the same subject," which took effect without executive approval on the 22d day of May, 1867; also, "An act to repeal an act to repeal an act entitled 'An act to authorize and encourage the erection of levees, dykes and drains, and reclamation of wet and overflowed lands, by incorporated companies, and to repeal all former laws relating to the same subject,' which act took effect May 22d, 1869, and prescribing penalties for the violation of the provisions thereof," which last named act was approved on the 22d day of February, 1871.

Was read a first time.

Mr. Dwiggins moved that the constitutional rule requiring bills to read on three several days be suspended, that the bill may be read a second time now.

The ayes and nays being taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Daggy,	Orr,
Brown,	Fuller,	O'Brien,
Beggs,	Francisco,	Rosebrugh,
Beeson,	Gregg,	Rhodes,
Beardsley,	Glessner,	Ringo,
Bowman,	Gooding,	Stroud,
Bunyan,	Hubbard,	Steele,
Bird,	Hall,	Smith,
Carnahan,	Haworth,	Sarnighausen,
Cave,	Hough,	Sleeth,
Collett,	Howard,	Taylor,
Chapman,	Harney,	Thompson,
Dittimore,	Miller,	Williams,
Dougherty,	Neff,	Wadge,
Dwiggins,	Oliver,	Winterbotham—45.



*Those who voted in the negative were, Messrs.*

Boone,

Slater—2.

So the constitutional rule was suspended, and Senate Bill No. 1 was read a second time.

Mr. Daugherty introduced

Senate Bill No. 2. A bill to authorize and regulate the incorporation of banks of discount and deposit in the State of Indiana.

Was read a first time.

Mr. Orr, by unanimous consent, offered the following resolutions:

*Resolved*, That this Senate has heard with deep regret of the death of Hon. John W. Burson, a Senator of this Senate, from the counties of Delaware and Madison; that in his death the State has lost an able and incorruptible patriot.

*Resolved*, That as a testimonial of respect to the memory of the distinguished Senator, this chamber be appropriately draped in mourning for the space of thirty days.

*Resolved*, That a copy of these resolutions be transmitted to the family of the deceased by the Secretary of State.

*Resolved*, That this Senate, as a further mark of respect to the deceased, when it adjourns, stand adjourned until Monday next at two o'clock P. M.

Mr. Williams moved to amend the resolution by striking out the words "Senator of this body."

Which motion was decided to be out of order, because the vote upon the passage of the resolutions had commenced to be taken before the motion of Mr. Williams was made.

The question recurring on the adoption of the resolutions offered by Mr. Orr.

It was agreed to.

Mr. Wadge offered the following:

WHEREAS, Some years ago, the Canal Commissioners of the State of Illinois, erected a dam at Blue Island, in that State, whereby the waters of the Calumet river were dammed up, so as to overflow large quantities of valuable lands in the counties of Lake and Porter in this State; and

WHEREAS, His Excellency, Governor Baker, by making the proper representations to the authorities of the State of Illinois, succeeded in securing the passage of a joint resolution of the Legislature of that State, at its last session, directing the Canal Commissioners to remove said dam; and

WHEREAS, Said Canal Commissioners have not complied with the orders of the Legislature contained in the said joint resolution, and that the citizens of Lake and Porter counties are suffering great injury in consequence of said nuisance; therefore,

*Be it Resolved*, That his Excellency, Governor Baker, be hereby requested to furnish to the Senate such information as may be in his possession, bearing upon the subject, and also give to this body such suggestions as he may deem advisable, looking to the relief of the citizens of that portion of the State in the abatement of said nuisance.

Which resolution was adopted.

Mr. Gregg offered the following:

*Resolved*, That the Secretary of State be requested to furnish the Senate a certified copy of Joint Resolution No. 1, passed at the forty-seventh regular session of the General Assembly, and entitled "A Joint Resolution proposing an amendment to the Constitution by adding to the 10th article a section in relation to the debt charged upon the Wabash and Erie Canal," for the further action of this General Assembly.

Which resolution was adopted.

Mr. Haworth offered the following:

*Resolved*, That the doorkeeper be requested to obtain from the Secretary of State, and lay upon the table of each Senator, one copy

of the Revised Statutes, one copy of the laws passed by the last General Assembly, one copy each of the Senate and House Journals, and one copy of the Brevier Reports :

Mr. Neff offered the following substitute :

*Resolved*, That the State Librarian furnish each Senator with a copy of Gavin & Hord's Statutes, the Journals, Session Acts and Brevier Legislative Reports of the last session, and that members so receiving shall receipt for the same, and at the close of the session shall return such copies of the Statutes, Journals, Session Acts and Brevier Reports, and take up receipts for same, and in default thereof shall have deducted from his pay in the settlement with the State Treasurer the value of such books receipted for, at the listed price.

Mr. Dittmore moved that the substitute do lie on the table.

Which motion was agreed to.

The question recurring on the adoption of the original resolution.

It was agreed to.

Mr. Beeson offered the following :

*Resolved*, That the Secretary of the Senate be authorized to have one thousand copies of the Governor's message printed for the use of the Senate.

Which resolution was adopted.

Mr. Steele introduced

Senate Bill No. 3. A bill to amend sections 3 and 4 of an act entitled "An act regulating the organization and perpetuity of voluntary associations, and repealing an act entitled 'An act concerning the organization of voluntary associations, and repealing the former laws in reference thereto,' approved February 12, 1865, repealing each act repealed by said act, and authorizing gifts devised by will to be made to any corporation or purpose contemplated by this act," approved February 20th, 1867, and declaring an emergency.

Was read a first time.

Mr. Gregg introduced

Senate Bill No. 4. A bill to provide for the assessment and collection of taxes for municipal purposes, on the shares of stock owned in banks and banking associations doing business in this State.

Was read a first time.

Mr. Beeson offered the following :

*Resolved*, That a committee of five be appointed by the President to fix the amount to be allowed each member for stationery, papers, etc., and the committee be requested to report on to-morrow.

Which resolution was adopted.

Mr. Taylor introduced

Senate Bill No. 5. A bill to require railroad companies to issue stock paid for by taxes voted in aid of the construction of their railroads to the taxpayers, or their assigns, and to issue unclaimed stock for the benefit of the common school fund.

Was read a first time.

The President announced the following committee to confer with the officers of the Senate in relation to their appointees :

Messrs. Rhodes, Taylor, Glessner, Orr and Gregg.

The President announced the following committee on stationery, etc. :

Messrs. Beeson, Brown, Dittemore, Rhodes and Hall.

The President announced the following committee to revise the rules of the Senate :

Messrs. Hubbard, Brown, Williams, Dwiggins and Cave.

Mr. Wadge offered the following :

*Resolved*, That the State Librarian be instructed to see that secure locks be put on the drawers of the desks of the Senators, and that the Doorkeeper be instructed to exercise vigilance in preventing articles being abstracted therefrom.

Which resolution was adopted.

Mr. Thompson offered the following :

*Resolved*, That J. W. Cookerly be allowed five days' pay and mileage for his services as doorkeeper in organizing the Senate, and the President is authorized to draw his warrant on the Auditor of State for the amount, to be paid out of any money to be hereafter appropriated for legislative purposes.

Mr. Dwiggins moved to refer the resolution to a Committee of three, with instructions to take into consideration the claims of any other of the old officers of the Senate.

Which motion was agreed to.

Mr. Glessner asked and obtained leave of absence until Monday next at 2 o'clock P. M.

Mr. Brown moved to reconsider the vote on the adoption of so much of the resolutions in regard to the death of Mr. Bruson as related to adjourning until Monday.

Which motion was agreed to.

Mr. Orr offered the following :

*Resolved*, That the resident clergy of the city of Indianapolis be and are hereby respectfully invited to meet alternately at the Senate Chamber, at opening of each daily session, and open the deliberations of this body with prayer, and that the Secretary of the Senate inform said clergy of the passage of this resolution.

Which resolution was adopted.

The following Senators asked and obtained leave of absence until Monday at 2 o'clock P. M. :

Messrs. Steele, Beggs, Boone, Hough, Francisco and Daggy.

Mr. Gooding asked and obtained leave of absence until Tuesday next.

On motion by Mr. Brown,

The Senate adjourned.

## FRIDAY MORNING.

NOVEMBER 15, 1872, 10 O'CLOCK A. M.

The Senate met.

The journal of yesterday was read, corrected and approved.

Mr. Dittmore offered the following :

*Resolved*, That the Doorkeeper be requested to furnish the Principal Secretary of the Senate with one set of the Revised Statutes (Gavin & Hord's), to be procured from the Secretary of State.

Mr. Taylor moved to amend the resolution so as to include the Assistant Secretary.

Which motion was accepted by Mr. Dittmore.

The question recurring on the adoption of the resolution, it was agreed to.

Mr. Beeson, from a select committee, made the following report :

MR. PRESIDENT :

The committee to whom was referred the subject of papers and stationery, ask leave to submit the following report :

That the Doorkeeper be instructed to contract with the Indianapolis Journal Company and the Indianapolis Sentinel Company for five (5) copies of each of their morning papers, four copies wrapped and stamped, fit for mailing ; also for five (5) copies of the morning Telegraph, wrapped and stamped, and five (5) copies of the Weekly Volksblatt, wrapped and stamped, and five (5) copies of the Weekly Beacon, wrapped and stamped. The daily papers to be delivered each morning upon Senators' desks by the newspaper companies, and each paper that is wrapped to have the initial of the paper

placed upon the wrapper ; that the weekly papers shall be delivered once a week in the same manner as the dailies are.

That each member of the Senate, the President of the Senate, the Secretary and Assistant Secretary of the Senate be allowed twenty (20) dollars' worth of stationery, including postage stamps; that the Doorkeeper of the Senate be allowed ten (10) dollars' worth of stationery, including postage stamps; that the chairmen of the Senate committees be allowed, in their discretion, to procure for the use of their respective committees such amounts of stationery as, in their opinions, may be necessary for said committees to have; that the stationery shall not be furnished to any committee except upon the written order of the chairman of the committee.

Mr. Neff moved to lay said report upon the table.

Which motion was not agreed to.

The question recurring on concurring in said report.

It was agreed to.

#### INTRODUCTION OF BILLS.

Mr. Williams introduced

Senate Bill No. 6. A bill to regulate and make uniform the prices charged by railroad companies for transporting passengers, goods, wares, merchandise, and other property to and from stations on railroads in the State of Indiana, declaring the duty of certain officers in relation thereto, prescribing penalties for the violation thereof, and declaring an emergency.

Was read a first time.

Mr. Fuller introduced

Senate Bill No. 7. An act to repeal an act, entitled "An act to authorize aid to the construction of railroads, by counties and townships taking stock in and making donations to railroad companies," approved May 12, 1869, and declaring an emergency.

Was read a first time.

Mr. Smith introduced

Senate Bill No. 8. An act providing for the holding of courts in the Twenty-fifth Common Pleas District of the State of Indiana.

Was read a first time.

Mr. Fuller asked and obtained indefinite leave of absence on account of sickness in family.

Mr. Thompson introduced

Senate Bill No. 9. An act fixing the salaries of the Judges of the Supreme Court, the Superior Courts, the Circuit Courts, the Criminal Courts, and the Common Pleas Courts of this State; providing how said salaries shall be paid, and repealing all other laws in conflict therewith, and declaring an emergency.

Was read a first time.

Mr. Sarnighausen introduced

Senate Bill No. 10. An act to amend section fifty-eight (58) of "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing the powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 19, 1867.

Was read a first time.

Mr. Cave introduced

Senate Bill No. 11. An act to fix the time of holding the Circuit Courts in the several counties of the Third Judicial District, and repealing all laws in conflict therewith, and declaring an emergency.

Was read a first time.

Mr. Wadge, by unanimous consent, offered the following:

*Resolved*, That the Committee on Claims be instructed to inquire and report what allowances, if any, should be made to John Sarnighausen for expenses incurred in defending the contest for his seat in this body at its last regular session.



Mr. Brown moved to amend by instructing the Committee to consider the claims of Mr. Bird for like expenses in said contest.

Which motion was agreed to.

The question recurring on the adoption of the resolution as amended, it was agreed to.

Mr. Beeson introduced

Senate Bill No. 12. An act to give right of action for injuries in certain cases.

Was read a first time.

Mr. Williams introduced

Senate Bill No. 13. An act requiring railroad companies, organized under any law of the State of Indiana, to keep their principal office of business within the State, and to have a majority of the Directors resident within the State of Indiana, and along the line of railroad.

Was read a first time.

Mr. Smith introduced

Senate Bill No. 14. An act to amend section five (5) of an act entitled "An act concerning mortgages," approved May 4, 1852.

Was read a first time.

The President announced the Committee on the claims of J. W. Cookerly and others, as follows: Messrs. Hubbard, Haworth and Francisco.

Messrs. Rosebrugh and Sarnighausen asked and obtained leave of absence until Tuesday next.

Mr. Brown moved that the documents accompanying the Governor's message be printed with the same.

Which motion was agreed to.

On motion by Mr. Dittmore,

The Senate adjourned until Monday next, at 2 o'clock P. M.

## MONDAY AFTERNOON.

NOVEMBER 18, 1872, 2 O'CLOCK.

The Senate met.

Prayer was made by Rev. Mr. Day.

The Journal of Friday was read and approved.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed the following concurrent resolution, to-wit :

*Resolved*, By the House of Representatives, the Senate concurring therein, that there be printed, in pamphlet form, eight thousand copies of His Excellency Governor Baker's Message; fifteen hundred copies thereof shall be printed in the German language; and that one thousand copies of said Message be delivered to the Governor for his own use, and the remainder thereof be distributed *pro-rata* among the members of the General Assembly for circulation.

Also, I am directed by the House of Representatives to inform the Senate that the House has passed the following joint resolution, to-wit.:

A joint resolution, agreeing to and adopting an amendment proposed to the Constitution by the last General Assembly, by adding to the ninth article a section in relation to the debt charged upon the Wabash and Erie Canal.

Mr. Rosebrugh asked and obtained leave of absence during the week.

Mr. Hubbard, from a select committee, made the following report:

MR. PRESIDENT:

Your committee appointed to revise the rules of the Senate, respectfully report

That they recommend the adoption of the rules of the Senate at the regular session of 1871, with the following amendments:

In rule eight, insert after the words "by the," and before the word "Senate," in the second line, the words "President of the."

That rule seventeen be amended to read as follows: "No Senator shall be compelled to vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not present when the question was put; but appearing afterwards, he may, by permission, have his name called and vote; *Provided*, his vote does not change the result."

Rule fifty-five shall read as follows: "After a bill has passed, and not before, the title may be amended."

The joint resolution of the two Houses, as adopted by the House of Representatives at the present session, being the same adopted by the House at the regular session of 1871, except that Rule No. 11 is omitted, are hereby recommended to be adopted.

Which report was concurred in.

Mr. Hubbard, from a select committee, made the following report:

MR. PRESIDENT:

Your committee to whom was referred the claims of officers of the last Senate, respectfully report that J. W. Cookerly is entitled to five days' pay and mileage for his services as Doorkeeper in organizing the Senate.

Your committee would, therefore, recommend that the President of the Senate be authorized to draw his warrant for the same, to be paid out of any money hereafter appropriated for legislative purposes.

Mr. Dwiggins moved to amend the report by inserting the name of D. H. Olive after that of J. W. Cookerly, and that the same allowance be made him for his services in organizing the Senate.

Which motion was agreed to.

The question recurring on concurring in the report as amended.  
It was agreed to.

Mr. Dwiggins presented the following claim :

INDIANAPOLIS, November 16, 1872.

*State of Indiana, to W. H. Sherman,* *Dr.*

To dressing the Senate Chamber in mourning.....\$25.00

Mr. Dwiggins moved that the President be directed to draw his warrant for the amount of said claim.

Mr. Brown moved to refer the claim to the Committee on Claims.  
Which motion was agreed to.

Mr. Williams presented the following claim :

*State of Indiana to Charles W. Stagg,* *Dr.*

For short hand report of evidence and proceedings in the contested election case between John W. Burson and William B. Cline, at session of 1870, 200,000 words at 60 cents.....	\$1,200.00
Two years interest.....	144.00
	\$1,344.00

Which was referred to Committee on Claims without reading.

Mr. Dwiggins presented the claim of Sarah H. and Mary J. Ritchern, for \$83.80.

Which was referred to the Committee on Claims.

Mr. Dwiggins presented the claim of A. Thompson for \$151.20,  
on account of failure of title of land purchased from the State.

Which was referred to the Committee on Claims.

Mr. Gregg offered the following :

*Resolved, That the Committee on Public Printing be required to*

investigate the propriety of abolishing the office of State Printer, and report the result of their investigation to the Senate, on or before the 23d day of this month, by bill or otherwise.

Which resolution was adopted.

Mr. Brown moved that two hundred copies of the rules of the Senate, to include the Constitution of the State, be printed for the use of the Senate.

Which motion was agreed to.

#### INTRODUCTION OF BILLS.

Mr. Hubbard introduced

Senate Bill No. 15. An act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings, and to pay debts contracted therefor, etc., and to authorize the levy and collection of an additional special school tax for the payment of such bonds, etc.; and declaring an emergency.

Was read a first time.

Mr. Taylor introduced

Senate Bill No. 16. An act authorizing suits to be brought in the partnership name only in certain cases, and declaring the effect thereof.

Was read a first time.

Mr. Orr introduced

Senate Bill No. 17. A bill to amend section 2 of an act approved March 11, 1861, to amend section 8 and section 10 of "An act providing for the election and qualification of Justices of the Peace and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Was read a first time.

Mr. Miller introduced

Senate Bill No. 18. A bill repealing an act entitled "An act

authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same," approved May 12, 1869.

Also, repealing an act authorizing the construction of plank, macadamized and gravel roads' approved March 11, 1867.

Was read a first time.

Mr. Neff introduced

Senate Bill No. 19. A bill amending an act entitled "An act regulating the granting of divorces, nullification of marriages and decrees and orders of court incident thereto."

Was read a first time.

Mr. Armstrong introduced

Senate Bill No. 20. An act relative to the sale of real estate on execution, owned by husband and wife.

Was read a first time.

Mr. Gregg introduced

Senate Bill No. 21. An act repealing section 1 of an act entitled "An act prescribing the duties and fixing the compensation of State Agent," approved June 17th, 1852, and authorizing and requiring the Secretary of State to perform the duties thereof; and amending section 4 of said act, and declaring when this act shall take effect.

Was read a first time.

Mr. Neff moved that the Constitutional rule requiring bills to be read on three several days, be suspended that the bill may be read a second time now.

The ayes and noes being taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Gooding,	Slater,
Bird,	Gregg,	Smith,
Bowman,	Hall,	Stroud,
Carnahan,	Harney,	Wadge,
Cave,	Hubbard,	Williams,
Daugherty,	Neff,	Winterbotham—19.
Francisco,		

*Those who voted in the negative were, Messrs.*

Armstrong,	Friedley, of Scott,	Orr,
Boone,	Haworth,	Rhodes,
Brown,	Hough,	Sleeth,
Bunyan,	Howard,	Steele,
Collett,	Miller,	Taylor,
Daggy,	O'Brien,	Thompson,
Dwigius,	Oliver,	Mr. President—21.

So the rule was not suspended.

Mr. Beardsley introduced

Senate Bill No. 22. A bill regulating intesest on money.

Was read a first time.

Mr. Bird introduced

Senate Bill No. 23. A bill to authorize the Boards of Commissioners of the several counties of this State to appropriate money to aid in putting or keeping in repair any canal running in, or through, or along, or by any such county.

Was read a first time.

The President announced the following Standing Committees:

1. *On Elections.*

Messrs. Sleeth, Collett, Miller, Neff, Fuller, Hall, and Dittmore.

2. *On Finance.*

Messrs. Steele, Beardsley, Friedley, Wadge, Williams, Daugherty, and Harney.

3. *On the Judiciary.*

Messrs Brown, Daggy, Steele, Gooding, Rosebrugh, Glessner, and Dittmore.

4. *On Education.*

Messrs. Scott, Taylor, Hough, Rhodes, Fuller, Boone, and Armstrong.

5. *On Corporations.*

Messrs. Hubbard, Brown, Gooding, Dwiggins, Armstrong, Carnahan, and Bird.

6. *On Roads.*

Messrs. Miller, Howard, Orr, Friedley, Cave, Bowman, and Stroud.

7. *On Benevolent Institutions.*

Messrs. Thompson, Chapman, Beardsley, Hough, Armstrong, Daugherty, and Francisco.

8. *On Agriculture.*

Messrs. Collet, Beeson, Miller, Orr, Williams, Boone, and Bowman.

9. *On Banks.*

Messrs. Dwiggins, O'Brien, Beardsley, Haworth, Daugherty, Winterbotham and Gregg.

10. *On Manufactures.*

Messrs. Beardsley, Howard, Wadge, Bunyan, Beggs, Ringo, and Boone.

11. *On Public Printing.*

Messrs. O'Brien, Sleeth, Beardsley, Hough, Cave, Bird, and Dittmore.

12. *On Public Buildings.*

Messrs. Oliver, Daggy, Scott, Neff, Harney, Winterbotham, and Francisco.

13. *On Prisons.*

Messrs. Wadge, Friedley, Chapman, Hubbard, Dittmore, Bowman, and Winterbotham.



14. *On Canals and Internal Improvements.*

Messrs. Haworth, Sleeth, Bunyan, Howard, Ringo, Armstrong, and Carnahan.

15. *On State Library.*

Messrs. Hough, Chapman, Rhodes, Oliver, Slater, Beggs, and Smith.

16. *On Fees and Salaries.*

Messrs. Rhodes, Steele, Neff, Hubbard, Glessner, Smith, and Gregg.

17. *On Claims.*

Messrs. Neff, Beeson, Orr, O'Brien, Williams, Harney, and Carnahan.

18. *On Military Affairs.*

Messrs. Chapman, O'Brien, Sleeth, Bunyan, Gregg, Fuller, and Sarnighausen.

19. *On Phraseology and Arrangement of Bills and Enrolled Bills.*

Messrs. Collett, Hubbard, Thompson, Sleeth, Hall, Slater and Smith.

20. *On Unfinished Business.*

Messrs. Bunyan, Howard, Beardsley, Scott, Ringo, Gregg, and Stroud.

21. *On Organization of Courts.*

Messrs. Daggy, Hough, O'Brien, Steele, Dittimore, Rosebrugh, and Glessner.

22. *On Expenditures.*

Messrs. Taylor, Beeson, Friedley, Thompson, Harney, Smith, and Armstrong.

23. *On Federal Relations.*

Messrs. Gooding, Dwiggins, Hubbard, O'Brien, Beggs, Boone, and Slater.

24. *On Swamp Lands.*

Messrs. Chapman, Oliver, Dwiggins, Howard, Winterbotham, Stroud, and Carnahan.

25. *On Temperance.*

Messrs. Beeson, Steele, Rhodes, Wadge, Francisco, Cave, and Stroud.

26. *On County and Township Business.*

Messrs. Orr, Bunyan, Miller, Howard, Beggs, Fuller, and Ringo.

27. *On the Rights and Privileges of the Inhabitants of the State.*

Messrs. Howard, Hough, Gooding, O'Brien, Glessner, Hall, and Sarnighausen.

28. *On Reformatory Institutions.*

Messrs. Beeson, Oliver, Taylor, Scott, Bird, Francisco, and Daugherty.

29. *On Immigration and Statistics.*

Messrs. Haworth, Collett, Neff, Miller, Hall, Cave, and Sarnighausen.

30. *On Insurance.*

Messrs. Daggy, Oliver, Orr, Scott, Williams, Slater, and Bowman.

31. *On Railroads.*

Messrs. Brown, Dwiggins, Sleeth, Gooding, Bird, Rosebrugh, and Dittimore.

Mr. Williams moved that the list of Standing Committees be printed with the rules as ordered by the Senate.■

Which motion was agreed to.

Mr. Cave introduced

Senate Bill No. 24. An act to amend section 30 of an act entitled "An act providing for the election or appointment of Supervisors of Highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved December 20, 1865.

Was read a first time.

Mr. Dwiggins, by unanimous consent of the Senate, amended Senate Bill No. 1, by adding an emergency clause.

Mr. Hubbard asked and obtained indefinite leave of absence on account of sickness in his family.

Mr. O'Brien moved that House joint resolution No. 2, in relation to the Constitutional amendment in relation to the canal debt, be taken up and put upon its passage.

Mr. Brown moved that the resolution be taken up and referred to the Committee on the Judiciary, together with a certified copy of the resolution passed in 1871, from the Secretary of State.

Which was agreed to.

Mr. Dwiggins moved to refer Senate Bill No. 1 to the Committee on Corporations.

Which motion was agreed to.

Mr. Brown, by unanimous consent, offered the following:

*Resolved*, That the Doorkeeper be required to obtain and prepare a suitable room for the Committee on the Judiciary.

Which resolution was adopted.

#### SENATE BILLS ON SECOND READING.

Senate Bill No. 2. A bill to authorize and regulate the incor-  
S. J.—4

poration of banks of discount and deposit in the State of Indiana.

Read a second time by title, and referred to the committee on corporations.

Senate Bill No. 3. An act to amend section 4 of an act entitled "An act concerning the organization and perpetuity of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855, and "repealing each act repealed by said act, and authorizing gifts or devices by will to be made to any corporation or purpose contemplated by this act," approved February 20, 1867, and declaring an emergency.

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 4. A bill to provide for the assessment and collection of taxes for municipal purposes, on the shares of stock owned in banks and banking associations, doing business in this State.

Was read a second time, and referred to the committee on banks and banking.

Senate Bill No. 5. An act to require railway companies to issue stock paid for by taxes voted in aid of the construction of their railroad to the tax payers or their assigns, and to issue unclaimed stock for the benefit of the common school fund.

Was read a second time by title, and referred to committee on corporations.

Senate Bill No. 6. An act to regulate and make uniform the price charged by railway companies for transporting passengers, goods, wares, merchandise, and other property, to and from stations on railroads in the State of Indiana; declaring the duty of certain officers in relation thereto; prescribing penalties for the violation thereof, and declaring an emergency.

Was read a second time by title, laid on the table, and two hundred copies ordered printed.

Senate Bill No. 7. An act to repeal an act entitled "an act to authorize aid to the construction of railroads by counties and town-

ships taking stock in and making donations to railroad companies," approved May 12, 1869, and declaring an emergency.

Was read a second time by title, and referred to the committee on railroads.

Senate Bill No. 8. An act providing for the holding of courts in the Twenty-fifth Common Pleas District of the State of Indiana.

Was read a second time by title, and referred to the committee on the organization of courts.

Senate Bill No. 9. An act fixing the salaries of the Judges of the Supreme, Circuit, Criminal, and Common Pleas Courts of this State, providing how the salaries shall be paid; repealing all laws and parts of laws in conflict therewith, and declaring an emergency.

Was read a second time by title, and referred to committee on fees and salaries.

Senate Bill No. 10. An act to amend section fifty-eight of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto." Approved March 19, 1869.

Was read a second time by title, and referred to committee on corporations.

Senate Bill No. 11. An act to fix the time of holding the Circuit Court in the several counties of the Third Judicial Circuit, and repealing all laws in conflict therewith, and declaring an emergency.

Was read a second time by title, and referred to a special committee, consisting of Messrs. Cave, Williams and Carnahan.

Senate Bill No. 12. An act to give right of action for injuries in certain cases.

Was read a second time by title, and referred to the committee on temperance.

Senate Bill No. 13. A bill requiring railroad companies, organized under any laws of the State of Indiana, to keep their principal

office of business within the State, and to have a majority of Directors resident within the State of Indiana and along the line of railroad.

Was read a second time by title, and referred to committee on the judiciary.

Senate Bill No. 14. An act to amend section 5 of an act entitled "An act concerning mortgages." Approved May 4, 1852.

Was read a second time by title and referred to committee on the judiciary.

On motion by Mr. Beardsley,  
The Senate adjourned.

## TUESDAY MORNING.

NOVEMBER 19, 1872, 10 o'clock.

The Senate met.

The Journal of yesterday was read and approved.

Mr. Williams moved that the vote referring Senate Bill No. 8 to the committee on the organization of courts, be reconsidered.

Which motion was agreed to.

Mr. Smith moved that Senate Bill No. 8 be referred to a select committee consisting of Messrs. Dwiggins, Miller and Smith.

Which motion was agreed to.

Mr. Orr, by consent, offered the following :

*Resolved*, That the Doorkeeper be and he is hereby authorized and directed to provide such committee rooms, in some convenient locality near the Capitol, as may be necessary for the use and occupation of the committees of this Senate, and that said committees are hereby authorized to employ a clerk, when in the judgment of said committees they require one.

Mr. Williams moved to amend by striking out the word "committee" after the word "judgment," and inserting the word "Senate."

Mr. Cave moved to lay the amendment on the table.

Mr. Dittmore moved to lay the resolution on the table.

Messrs. Glessner and Williams demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Bowman,	Chapman,
Bird,	Brown,	Collett,
Boone,	Cave,	Daggy,

Daugherty,	Gregg,	Steele,
Dittemore,	Hall,	Stroud,
Francisco,	Harney,	Taylor,
Friedley, of Scott,	Ringo,	Williams.
Glessner,	Slater,	Winterbotham—26.
Gooding,	Smith,	

*Those who voted in the negative were, Messrs.*

Beardsley,	Hough,	Orr,
Beeson,	Howard,	Rhodes,
Bunyan,	Miller,	Sleeth,
Carnahan,	Neff,	Thompson,
Dwiggins,	O'Brien,	Wadge,
Haworth,	Oliver,	Mr. President—18.

So the resolution was laid on the table.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has adopted the following Joint Rules for conducting business in the two Houses of the General Assembly of the State of Indiana:

1. While Bills and Joint Resolutions are on their passage between the two Houses, they shall be on paper, under the signature of their Clerks respectively.

2. After a Bill or Joint Resolution shall have passed both Houses, it shall be duly enrolled on paper; and the Clerk of the House where it originated shall indorse upon the back thereof the House in which it originated, under which he shall place his signature.

3. Every Bill or Joint Resolution, after being enrolled, shall be examined by the joint committee of enrolled bills, consisting of three from the Senate and six from the House, appointed as a standing committee for that purpose; one of whom on the part of the Senate and two from the House shall be sufficient to act, who shall compare the same with the engrossed bill, and correct any errors they may discover, so as to make it agree therewith; and make their report forthwith to their respective Houses.



4. Every Bill or Joint Resolution reported to have been duly enrolled shall be signed first by the Speaker of House of Representatives, who shall send the same to the Senate; then by the President of the Senate; after which it shall be presented by the joint committee of enrolled bills to the Governor for his approbation and signature; and the said committee shall report to their respective Houses the day of their presentation, which report shall be entered on the Journals of each House.

5. All Bills and Joint Resolutions shall be signed by the Speaker of the House of Representatives and the President of the Senate, in their Houses respectively when in session, which shall be carefully noted on the Journals of each House.

6. When any paper or papers, proper to be acted upon by both Houses, shall come before either, the house before which such paper or papers are laid, shall, after acting thereupon, lay it or them before the other House.

7. In every case of an amendment of a Bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall, at a convenient hour, to be agreed upon by their chairman, meet in the conference chamber, and state to each other, verbally, or in writing, as either shall choose, the reason of their respective House for and against the amendment, and confer freely thereon, and report to each House their proceedings thereon. A committee of conference shall consist of two members from each House. After each House shall have adhered to their disagreement a bill of resolutions shall be lost.

8. In all cases where the Sergeant-at-arms of one House shall, by reason of official engagements, or other cause, be unable to execute the commands or process of the House of which he is an officer, it shall be the duty of the Sergeant-at-arms of the other House to execute such commands, together with such process as may be directed to him by the presiding officer thereof.

9. The following standing committees, on the part of each House, shall be appointed to act as joint committees:

A standing committee on Enrolled Bills, to consist of six on the part of the House, and three on the part of the Senate.

A Committee on Public Buildings, to consist of three members from each House.

A Committee on State Library, to consist of three members from each House.

A Committee on Canal Fund, to consist of three members from each House.

10. In all elections which require a distinct and separate vote of each House, the voting shall be simultaneous in both Houses. No person shall be deemed to be elected in the proper House, making such separate choice, unless he receives a majority of all the votes given in such House. Each House shall, as soon as a choice shall be made on such separate voting, forthwith communicate the same to the other House, and if it shall appear that the Houses have concurred in their choice of any or either of the persons so voted for, such person or persons shall be deemed and declared duly elected. But if the Houses do not concur in their choice of each and all the officers so to be elected, then, in such case, the two Houses shall in, like manner, forthwith proceed to a second separate choice of the remaining officers so attempted to be elected. But if no concurrence then be had, the two Houses shall in like manner proceed to a third separate choice. If the two Houses shall not have concurred in their third separate choice, the two Houses shall proceed to a joint vote *instantly*, for the election of such officer or officers, as the two Houses may have failed, for want of concurrence as aforesaid, to elect.

11. In all joint conventions and meetings of the two Houses, it shall be incompetent for either House, or the members thereof, or the Joint Convention, to engage in the transaction of any business other than that for which they were so specifically assembled.

12. When a message is sent to the Senate, or to the House of Representatives, it shall be announced at the door by the Sergeant-at-arms, or by the Doorkeeper, and it shall be respectfully communicated to the Chair, by the person by whom sent.

13. Messages shall be sent by such persons as the President of the Senate, or Speaker of the House, may designate for that purpose.

14. No Bill that shall have passed one House, shall be sent for concurrence to the other, on the last two days of the session.

15. When Bills which shall have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

16. No spiritous liquors shall be offered for sale, or exhibited, within the Capitol, or on the public grounds adjacent thereto.

Also, I am directed by the House of Representatives to inform the Senate, that the House has adopted the following joint standing committees on the part of the House :

*No. 1. On Public Library.*

Messrs. Lee, Smith and Hardesty.

*No. 2. On Public Buildings.*

Messrs. Branham, Brett and Kimball.

*No. 3. On Canal Fund.*

Messrs. Goudie, Claypool and Reeves.

*No. 4. On Enrolled Bills.*

Messrs. Cobb, Stanley, Tulley, Butterworth, Scott and Bowser.

Mr. Rhodes offered the following :

*Resolved*, That the Doorkeeper be directed to procure blinds for the windows to the east and west sides of the Senate chamber, and have the same put up by to-morrow morning.

Which resolution was adopted.

Mr. Wadge offered the following :

*Be it Resolved*, That the Hon. Schuyler Colfax, Vice-President of the United States, who is at present, or will be, in the city for a few days, be invited to a seat on the floor of the Senate during his sojourn in our midst, and be it

*Resolved*, That a committee of three be appointed to inform Mr. Colfax of this action of the Senate.

Which resolutions were adopted.

Whereupon, the President announced the following as the com-

mittee under the resolutions: Messrs. Wadge, Thompson and Daugherty.

Mr. Daugherty offered the following:

WHEREAS, the annual report of the Auditor of State, as a whole, can not be printed in time to be laid before this General Assembly before the latter part of the present session, and,

WHEREAS, It is understood that said report will, among other things, contain desirable information and suggestions on the subject of State printing, therefore,

*Resolved*, That that officer be requested as soon as practicable, to lay before this Senate, in the form of advance sheets, such part of said report as relates to the subject of State printing.

Which resolution was adopted.

Mr. Dittmore offered the following:

*Resolved*, That the President of the Senate appoint a committee of three, on mileage and accounts of members of the Senate.

Which resolution was adopted.

Mr. Brown offered the following:

*Resolved*, That the Committee on the Judiciary be authorized to employ one clerk, to perform the duties of clerk of the Committee, and one janitor to take charge of the committee room, and keep it in proper condition for the use of the committee.

Which resolution was adopted.

Mr. Sleeth offered the following:

*Resolved*, That the State Librarian be, and is hereby instructed to procure and furnish for the use of the Senate, one set of Indiana Supreme Court Reports, one copy of Davis' Indiana Digest, and one copy of Abbott's Indiana Digests.

*Resolved*, That the Doorkeeper is hereby instructed to place the same in a suitable bookcase, in the Senate chamber, all of which

shall be the property of the State of Indiana, and shall, during the continuance of this session be in charge of the Doorkeeper, who shall turn the same over to the State Librarian on the last day of this session, who shall receipt to the Doorkeeper for the same, before the final adjournment. Said Doorkeeper, before putting them up, shall cause to be printed or written in plain letters, on the back of said books, the words, "State Library."

*Resolved*, That said books be for the exclusive use of Senators, Secretary and Assistant Secretary of the Senate; but no person shall be allowed to carry any of said books out of the Senate Chamber and adjoining cloak rooms.

On motion,

The resolutions were laid upon the table.

#### INTRODUCTION OF BILLS.

Mr. O'Brien introduced

Senate Bill No. 25. A bill to repeal an act, entitled "An act regulating the fees, salaries and duties of certain officers therein named, and prescribing penalties for the violation of its provisions," and to revive all laws repealed thereby, and declaring an emergency.

Was read a first time.

Mr Neff introduced

Senate Bill No. 26. A bill amending section 18 of an act entitled "An act regulating descents and apportionment of estates," approved May 14, 1852.

Was read a first time.

Mr Glessner introduced

Senate Bill No. 27. An act to legalize certain acts of corporations organized or attempted to be organized under and by virtue of an act entitled "An act authorizing the construction of plank, macadamized and gravel roads," approved May 12, 1852, and acts supplemental thereto.

Was read a first time.

Mr. Orr introduced

Senate Bill No. 28. A bill to amend section 1 of an act entitled "An act providing for the completion of the unfinished business of any session of the General Assembly, by the next succeeding special session of the General Assembly.

Was read a first time.

Mr. Orr moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill read a second time now.

The ayes and noes being taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Friedley, of Scott.	Ringo,
Beeson,	Glessner,	Slater,
Bird,	Gregg,	Sleeth,
Bowman,	Hall,	Smith,
Brown,	Harney,	Steele,
Bunyan,	Haworth,	Stroud,
Carnahan,	Hough,	Taylor,
Cave,	Howard,	Thompson,
Chapman,	Miller,	Wadge,
Collett,	Neff,	Williams,
Daugherty,	Oliver,	Winterbotham,
Dittemore,	Orr,	Mr. President—39.
Francisco,	Rhodes,	

*Those who voted in the negative were, Messrs.*

Armstrong,	Daggy,	Gooding,
Boone,	Dwiggins,	O'Brien—6.

So the rule was suspended, and the bill read a second time by its title and referred to the committee on the judiciary.

Mr. Thompson introduced

Senate Bill No. 29. An act to provide for the enlargement of the State House grounds, by vacating a certain street and alley therein

named and by acquiring certain real estate therein described, in order to furnish a suitable site for a new State House.

Was read a first time and one hundred copies ordered to be printed.

Mr. O'Brien introduced

Senate Bill No. 30. A bill to amend the title and the first section of an act to organize the Supreme Court, and prescribing certain duties of the Judges thereof.

Was read a first time.

Mr. O'Brien moved that the constitutional rule requiring bills to be read on three several days, be suspended, and the bill read a second time now.

The ayes and noes being taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Collett,	O'Brien,	Thompson,
Daggy,	Oliver,	Wadge,
Gooding,	Slater,	Williams,
Haworth,	Sleeth,	Winterbotham,
Neff,	Taylor,	Mr. President—15.

*Those who voted in the negative were, Messrs.*

Armstrong,	Chapman,	Hough,
Beardsley,	Dougherty,	Howard,
Beeson,	Dittemore,	Miller,
Bird,	Dwiggins,	Orr,
Boone,	Francisco,	Rhodes,
Bowman,	Friedley, of Scott,	Ringo,
Brown,	Glessner,	Sarnighausen,
Bunyan,	Gregg,	Smith,
Carnahan,	Hall,	Steele,
Cave,	Harney,	Stroud—30.

So the rule was not suspended.

Mr. Glessner introduced

Senate Bill No. 31. An act supplemental to an act authorizing

the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject approved March 11, 1867, the act aforesaid, having been approved May 14, 1869; and repealing so much of said act as affects such companies not organized at the taking effect of this act.

Was read a first time.

Mr. Dwiggins introduced

Senate Bill No. 32. A bill to legalize the sale of seminary lands in Jasper county, to Marian L. Spitler, and Margaret Stackhouse, and directing how the proceeds of said sale shall be applied, and declaring an emergency.

Was read a first time.

Mr. Beardsley introduced

Senate Bill No. 33. An act to amend an act, entitled, "An act to incorporate the 'Indiana Fire and Marine Insurance Company.'",

Was read a first time.

The President laid before the Senate the following communication from His Excellency, the Governor.

#### TO THE PRESIDENT OF THE SENATE:

I have just received the annual report of the Trustees and Superintendent of the Institute for the Education of the Blind, for the year 1872, and transmitted the same to the House, there being but one copy thereof. I respectfully request that the proper resolution, directing the printing of the requisite number of copies of the report, may be passed at as early a day as may be practical.

CONRAD BAKER,  
Governor.

Mr. Hough, by unanimous consent, offered the following:

*Resolved*, That the Secretary of the Senate be, and he is hereby directed to cause to be printed, for the use of the Senate, 200 copies of the annual report of the Trustees and Superintendent of the Institution for the Education of the Blind, for the year 1872.

Which resolution was adopted.



Mr. Thompson, by unanimous consent, offered the following:

*Resolved*, That the Committee on Benevolent Institutions, be authorized to employ a clerk, to perform the duties of clerk of the Committee.

Which resolution was adopted.

Mr. Hough introduced.

Senate Bill No. 34. An act to amend section 90 and section 103, of an act, entitled, "An act to revise, simplify, and abridge the rules, practice, pleadings and forms of criminal actions in this State," approved June 17, 1852, and declaring an emergency.

Was read a first time.

Mr. Steele, by unanimous consent, offered the following:

*Resolved*, By the Senate of the State of Indiana, that whereas the last session of the Legislature broke up by a portion of the members resigning, without paying the employes in full, and some of them not at all, and, whereas, one George T. B. Carr performed fifteen days work as clerk to the committee on elections, and twenty days on the committee on claims of the Senate, and did not receive any pay for any time or portion of his said services to either of said committees, therefore,

*Resolved*, That the President of the Senate be, and he is hereby directed and requested to draw his warrant upon the Auditor of State for and in favor of the said George T. B. Carr, for the sum of one hundred and seventy-five dollars, requiring the Treasurer of State to pay to said Carr said sum, as an employe of the last session of the Legislature, and that the same shall be and is in full of claim.

On motion by Mr. Cave,

The resolution was referred to the committee on claims.

Mr. O'Brien, by unanimous consent, offered the following:

*Resolved*, That the Doorkeeper be authorized to procure suitable rooms convenient to the State House, and cause the same to be immediately fitted up for the use of the several committees of the Senate.

Mr. Brown moved to amend the resolution by instructing the Doorkeeper to procure rooms for such committees as the Chairman thereof shall request.

Mr. Williams moved to refer the resolution and amendment to a select committee of five.

Which motion was agreed to.

On motion by Mr. Dittemore,  
The Senate took a recess until 2 o'clock P. M.

TUESDAY, NOVEMBER 19, 2 O'CLOCK.

The Senate reassembled.

Mr. Gregg introduced

Senate Bill No. 35. An act to amend sections 17 and 29 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the corporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertains thereto," approved March 14, 1872.

Was read a first time.

Mr. Neff introduced

Senate Bill No. 36. A bill regulating prosecutions of cases of bastardy, and providing for the support of illegitimate children, repealing an act regulating the same, approved May 6, 1852, and declaring an emergency.

Was read a first time.

Mr. Cave introduced

Senate Bill No. 37. An act to amend section 47 of an act entitled

"An act to provide for opening, vacating and change of highways," approved June 17, 1852.

Was read a first time.

Mr. Gooding introduced

Senate Bill No. 38. An act supplemental to an act approved February 25, 1865, entitled "An act appointing commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith."

Was read a first time.

Mr. Boone introduced

Senate Bill No. 39. A bill to amend an act entitled "An act to authorize and encourage the construction of levees, dykes, drains and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relating to the same subject," which took effect, without executive approval, on the 22d day of May, 1869, for the repeal of the 13th section thereof, and declaring an emergency.

Was read a first time.

Mr. Thompson introduced

Senate Bill No. 40. An act to amend section 2 of an act entitled "An act concerning the organization of voluntary associations and repealing former laws in reference thereto," approved February 12, 1855, and declaring an emergency.

Was read a first time.

Mr. Slater introduced

Senate Bill No. 41. An act to amend section 5 of an act entitled "An act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws controvening the provisions of this act, prescribing penalties for the violation thereof."

Was read a first time.

Mr. O'Brien introduced

Senate Bill No. 42. An act to repeal section 15 of an act entitled "An act concerning promissory notes, bills of exchange, bonds or other instruments of writing, signed by any person who promises to pay money, or acknowledges money to be due, or for the delivery of any specific article, or to convey property, or to perform any stipulations therein mentioned, and repealing all laws coming in conflict therewith," approved March 11, 1861. Also to repeal an act entitled "An act providing for the redemption of real property, or any interest therein, sold on execution or order of sale, and providing for issuing certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith," approved June 21, 1861.

Was read a first time.

Mr. Glessner, by unanimous consent, offered the following:

WHEREAS, It is evident the Doorkeeper, in executing the order of the Senate directing the Senate Chamber to be appropriately draped in mourning in memory of the late John W. Burson has, in the great profusion of drapery, far exceeded what was contemplated by the Senate, therefore,

*Resolved*, That a committee of three be appointed to determine the amount of drapery which should be removed, still leaving sufficient to appropriately carry out the spirit of the resolution authorizing the same, and report the result of their deliberations on tomorrow.

On motion of Mr. Steele the resolution was laid on the table.

Mr. Beardsley introduced Senate Bill No. 43.

An Act to authorize the construction of levees, dykes, and drains, by incorporated companies, and to repeal all former laws relating to the same subject, and declaring an emergency.

Was read a first time.

Hon. Schuyler Colfax, Vice President of the United States, having entered the Senate Chamber, accompanied by the committee appointed to wait upon him, Mr. Wadge moved that the President

introduce Mr. Colfax to the Senate, and that the Senate afterwards take a recess of ten minutes.

Which motion was agreed to.

Thereupon the President of the Senate formally introduced Mr. Colfax to the Senate, and on call of the Senators Mr. Colfax made a brief speech.

On motion by Mr. Brown,  
The Senate adjourned.

## WEDNESDAY MORNING,

NOVEMBER 20, 1872.

The Senate met.

Prayer was made by Rev. Mr. Hunting.

Mr. Haworth moved to dispense with the reading of the Journal  
Which motion was not agreed to.

The Journal was read and approved.

Mr. Williams moved to correct the Journal by striking out the words "pro tem" after the word "President," wherever they occur.  
Which motion was agreed to.

Message from the House, by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following Engrossed Bills thereof, to wit:

Engrossed House Bill, No. 33.

A bill appropriating seventy-five thousand dollars to defray the expenses of the Special Session of 1872 of the General Assembly of the State of Indiana.

Engrossed House Bill No. 22.

A Bill to amend the first section and the title of an Act approved March 4, 1865, entitled "An Act providing for the completion of the unfinished business of any session of the General Assembly, by the next succeeding Special Session of the same General Assembly."

## PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Beeson presented the following memorial which was referred to Committee on Prisons:

*To the General Assembly of the State of Indiana :*

The Society of Friends of Indiana Yearly Meeting, respectfully represent that the present Prison System of the State is unsatisfactory, and its results are evil :

*First.* In the promiscuous intermingling of young and old convicts—the novice and the expert in crime—in the same jails and State prisons.

*Second.* In the reformation of the prisoners not being sufficiently the object in view.

*Third.* In the lack of provision for discharged convicts. The consequence being that very many discharged convicts relapse into crime, and a “criminal class” is being fast built up amongst us.

We, therefore, respectfully ask that you will pass such laws as will, as far as practicable, obviate these difficulties : 1st, By the establishment of a Central (unpaid) Board, which shall have the oversight and care of all the prisons in the State and of discharged convicts ; 2, By the more thorough classification of prisoners, and separation of the younger from the more hardened ; and such other measures tending to the improvement of the Prison System, as in your judgment may seem advisable.

We also respectfully represent that the present buildings occupied by the State Prison South are wholly unsuitable for the purpose, and that a due regard to humanity requires that they shall be abandoned as speedily as possible.

Signed, by direction, and on behalf, of the meeting aforesaid.

CHARLES F. COFFIN, Clerk to the Men's Meeting.

EMILY J. HARRIS, Clerk to the Women's Meeting.

Mr. Rhodes, from select committee, made the following report :

MR. PRESIDENT :

The committee to whom was referred matters concerning the number of employes of the officers of the Senate, beg leave to report, that we have carefully performed the duty, and recommend that the Senate confirm the following appointments made by such officers :

### Appointments of the Principal Secretary :

Reading Clerk—John Overmyer.

File Clerk—William S. Masterson.

Registry Clerk—John W. Lovett.

Engrossing Clerks—Cole Adkinson, S. C. Fisher, S. S. Wilso  
and L. A. Hardesty.

Enrolling Clerks—Milton Sill, William Deavonshire, W. H. Bal-  
lard and Lindsey Caldwell.

Messenger—John Busby.

Page—Benjamin S. Brown.

### Employes of the Assistant-Secretary :

Minute Clerk—W. H. Smith.

Principal Journal Clerk—C. D. Murray.

Second Journal Clerk—A. T. Davis.

Third Journal Clerk—W. M. Ross.

Fourth Journal Clerk—J. F. Wells.

Copy Clerk—Emmet Pierson.

Copy Clerk—W. A. Olive.

Page—Lincoln Rhodes.

### Assistant Doorkeeper, and appointments by Theodore W. Pease, Doorkeeper of the Senate :

First Assistant—J. F. Furnish.

East door—R. H. Brown.

Center door—Archibald Anderson.

West door—Isaac Aldrich.

Postmaster—Herbert Platter.

Mail Carrier—A. H. Ward.

Folding Clerk—Mrs. Katie Pease.

Folding Clerk—Miss Effie Miller.

Cloak Room—Samuel Little.

Fireman—J. F. Fisher.

Fireman—James Cox.

Sweeper—Lewis Wettergill.

Committee Room—J. W. Martin.

Enrolling Committee Room—Marcus Justice.

Committee Room—R. C. Wilkinson.

Spittoon Cleaner—John Abrams (colored).



Pages—W. B. Haworth, E. D. Braden, Willie Pruden, and Willie Furnish.

We also allow the President of the Senate the following assistants:

Page—Warren Rice.

Secretary—Carey Henderson.

All of which is respectfully submitted.

Which report was concurred in, and the appointments confirmed by the Senate.

Mr. Dittemore, from select committee on mileage and accounts, made the following report:

**MR. PRESIDENT:**

The committee on mileage and accounts would report that they have examined the question of mileage, and find that members of the Senate are entitled to mileage as follows:

Mr. Armstrong, 128 miles; Beardsley, 420; Beeson, 120; Beggs, 152; Bird, 300; Boone, 60; Bowman, 294; Brown, 144; Bunyan, 390; Carnahan, 462; Cave, 300; Chapman, 350; Collett, 220; Daggy, 80; Daugherty, 192; Dittemore, 130; Dwiggin, 250; Fuller, 428; Francisco, 160; Friedley, (of Scott), 172; Glessner, 60; Gooding, 384; Gregg, 178; Hall, 216; Harney, 106; Haworth, 160; Hough, 42; Howard, 388; Hubbard, 400; Miller, 170; Neff, 156; O'Brien, 44; Orr, 128; Oliver, —; Rhodes, 183; Ringo, 120; Rosebrugh, 172; Sarnighausen, 300; Scott, 148; Slater, 40; Sleeth, 80; Smith, 196; Steele, 192; Stroud, 360; Taylor, 124; Thompson, —; Wadge, 380; Williams, 360; Winterbotham, 320; Mr. President, 212.

Which report was concurred in.

Mr. Williams, from select committee, made the following report:

**MR. PRESIDENT:**

Your committee, to whom was referred a resolution of the Senate on the subject of procuring committee rooms for the use of the

Senate Committees, have had the same under consideration, and have desired me to make the following report :

Your committee finds it necessary to furnish rooms for the following committees, to wit :

Committee on Education, Committee on Corporations, Committee on Organization of Courts, one room each.

Committee on Fees and Salaries, and Committee on Claims, one room.

Committee on Temperance, and Committee on Reformatory Institutions, one room.

Making in all five rooms, to be contracted for by the Doorkeeper, subject to the approval of the Senate.

The Judiciary Committee has, as your committee is informed, rented a room for their use.

The Committee on Finance will occupy the room in the State House, heretofore used by said committee.

Which report was concurred in.

Mr. Brown offered the following :

*Resolved*, By the Senate, the House of Representatives concurring, that this General Assembly of the State of Indiana will, on the second Tuesday after the meeting and organization thereof, to-wit : On Tuesday, November 26, 1872, at 12 o'clock meridian of said day, by a *viva voce* vote of each member present of each House of this General Assembly, proceed to elect a Senator in Congress to represent the State of Indiana in Congress, whose term of office shall commence at the expiration of the present term of office of Senator Morton.

Which concurrent resolution was adopted.

Mr. Steele offered the following :

*Be it resolved by the Senate*, That the Chairman of the committee on finance be allowed to employ a clerk and janitor for said committee.

Mr. Williams moved to strike out the word "janitor."

Which motion was agreed to.

Mr. Brown moved to amend the resolution by instructing the Doorkeeper to provide a janitor.

Which motion was agreed to.

The question recurring on the adoption of the resolution as amended

It was agreed to.

Mr. O'Brien offered the following :

*Resolved*, That the committee on claims be authorized to employ a clerk for such committee.

Which resolution was adopted.

Mr. Beeson offered the following :

*Resolved*, That the Chairmen of the committees on temperance and reformatory institutions be authorized to employ one clerk to perform the duties of both committees.

Which resolution was adopted.

Mr. Haworth offered the following :

*Resolved*, That the judiciary committee be directed to inquire into the propriety of amending the laws concerning the rights of married women, so as to extend to the holding of property, making contracts, etc., as are enjoyed by unmarried women.

Which resolution was referred to the committee on judiciary.

Mr. Orr offered the following :

*Resolved*, That a select committee of three be appointed to devise a plan for the permanent enclosure of the Tippecanoe Battle Ground as recommended by Gov. Baker in his late message, and in accordance with the provisions of the Constitution on said subject (see article fifteen, section ten), and report their action to this Senate.

Which resolution was adopted.

Mr. Hough offered the following resolution :

*Resolved*, That the committee on the organization of courts be authorized to employ a clerk.

Which resolution was adopted.

Mr. Neff offered the following resolution :

*Resolved*, That the Secretary of State be requested to report to the Senate, before the close of the present session, the amount in value of stationery and postage stamps furnished to each member of the Senate, officers and committees, and such report shall, if found correct, be the basis of settlement between the Secretary of State and the State of Indiana.

Which resolution,

On motion,

Was laid on the table.

Mr. Brown gave notice that at 2:30 P. M. he would move that the Senate go into a committee of the whole to consider the message of his Excellency the Governor.

Mr. Beggs asked and obtained leave of absence until Friday next.

Mr. Dittemore moved to suspend the order of business and take up House bill No. 33.

Which motion was agreed to.

House Bill No. 33. A bill appropriating seventy-five thousand dollars to defray the expenses of the special session of the General Assembly for <sup>the</sup> State of Indiana for 1872.

Was read a first time.

Mr. Dittemore moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill read a second time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Armstrong,  
Beardsley,  
Beeson,  
Bird,

Boone,  
Bowman,  
Bunyan,  
Cave,

Carnahan,  
Daggy,  
Daugherty,  
Dittemore,

Francisco,	Neff,	Smith,
Friedley (of Scott),	O'Brien,	Steele,
Glessner,	Oliver,	Stroud,
Gregg,	Orr,	Taylor,
Hall,	Rhodes,	Thompson,
Harney,	Ringo,	Wadge,
Haworth,	Sarnighausen,	Williams,
Hough,	Slater,	Winterbotham,
Howard,	Sleeth,	M. President—40.
Miller,		

No Senator voting in the negative.

So the rule was suspended and engrossed House Bill No. 33 was read a second time.

Mr. Dittmore moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill read the third time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Dittmore,	Orr,
Beardsley,	Francisco,	Rhodes,
Beeson,	Freidley (of Scott),	Ringo,
Bird,	Glessner,	Sarnighausen,
Boone,	Gooding,	Sleeth,
Bowman,	Hall,	Smith,
Brown,	Harney,	Steele,
Bunyan,	Haworth,	Stroud,
Carnahan,	Hough,	Taylor,
Cave,	Howard,	Thompson,
Chapman,	Miller,	Wadge,
Collett,	Neff,	Williams,
Daggy,	O'Brien,	Winterbotham,
Dougherty,	Oliver,	Mr. President.—42.

*Those who voted in the negative were, Messrs.*

Gregg,	Slater.—2.
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So the rule was suspended, and

Engrossed House Bill No. 33. A bill appropriating seventy-five thousand dollars to defray the expenses of the Special Session of 1872 of the General Assembly of the State of Indiana,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Dittemore,	Rhodes,
Beeson,	Francisco,	Ringo,
Bird,	Friedley,	Sarnighausen,
Boone,	Gooding,	Slater,
Bowman.	Hall,	Sleeth,
Brown,	Harney,	Smith,
Bunyan,	Haworth,	Steele,
Carnahan,	Hough,	Stroud,
Cave,	Howard,	Taylor,
Chapman,	Miller,	Thompson,
Collett,	O'Brien,	Wadge,
Daggy,	Oliver,	Winterbotham,
Dougherty,	Orr,	Mr. President.—40.

*Those who voted in the negative were, Messrs.*

Glessner,	Neff,	Williams.—4.
Gregg,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of the bill.

#### INTRODUCTION OF BILLS.

Mr. Beeson introduced

Senate Bill No. 44. An act to amend an act, entitled, "An act to

establish a House of Refuge, for the correction and reformation of juvenile offenders," approved March 8, 1867, and repealing section 11 of said act, and declaring an emergency.

Was read a first time.

Mr. Taylor introduced

Senate Bill No. 45. A bill to provide for the permanent enclosure of the Tippecanoe Battle Ground.

Was read a first time.

Mr. Neff introduced

Senate Bill No. 46. A bill repealing section 41 of an act entitled "An act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation and admission to probate and contest thereof," and declaring an emergency.

Was read a first time.

Mr. Cave introduced

Senate Bill No. 47. An act to repeal an act entitled "An act providing for the protection of fish, and repealing all laws in conflict with the same, prescribing penalties for the violation thereof," approved February 22, 1871.

Was read a first time.

Mr. Hall, by unanimous consent, offered the following:

*Resolved*, That we heard with pleasure the able and exhaustive message delivered in the presence of the joint convention of the two Houses of this General Assembly, on Tuesday, November 12, 1872, by His Excellency, Conrad Baker; and whilst there may not be perfect and entire unanimity upon all the recommendations therein contained, yet, as a whole, it commends itself to the judgment of this Senate as an able and reliable State paper.

That the allusion made by His Excellency to Norman Eddy, late Secretary of State for Indiana, does credit to his past reputation as a Christian statesman, and meets with a hearty response and approval from this Senate. And so beautifully and feelingly is the

allusion made, that we are at a loss whether to admire more the sentiments expressed or the emotional manner in which they found expression.

That having experienced, during his administration, the disadvantages resulting from the parsimonious salary meted out to him, we appreciate more fully the unselfish spirit with which he endeavors to shield his successors in office, immediate and remote, from like imposition.

Which resolution was adopted.

On motion by Mr. Glessner,

The Senate took a recess until two o'clock P. M.

#### AFTERNOON SESSION, 2 O'CLOCK P. M.

The Senate reassembled.

#### SPECIAL ORDER.

The hour of two o'clock having arrived, it being the hour fixed for the consideration of the resolution heretofore offered by Mr. Dwiggin, providing for the appointment of a joint committee to revise the judiciary system of the State, and the substitute offered by Mr. Glessner, the same was taken up.

Mr. Dittmore moved to postpone the further consideration of the special order until Friday next at two o'clock P. M.

Which motion was agreed to.

#### SENATE BILLS ON SECOND READING.

Senate Bill No. 15. An act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings, and pay debts contracted therefor,



etc.; and to authorize the levy and collection of an additional school tax for the payment of such bonds, etc., and declaring an emergency.

Was read a second time by title, and referred to the committee on corporations.

Senate Bill No. 16. A bill authorizing suits to be brought in the partnership name only in certain cases, and declaring the effect thereof.

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 17. A bill to amend section 2 of an act approved March 11, 1861. To amend sections 8 and 10 of an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852.

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 18. A bill repealing an act entitled "An act authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same," approved May 14, 1869, and also repealing an act authorizing the construction of plank, macadamized and gravel roads, approved March 11, 1867.

Was read a second time by title, and referred to the committee on roads.

Senate Bill No. 19. A bill amending an act entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto."

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 20. An act relative to the sale of real estate in execution, owned by husband and wife.

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 21. An act repealing section 1 of "An act pre-

scribing the duties and fixing the compensation of State Agent," approved June 17, 1852, and authorizing and requiring the Secretary of State to perform the duties thereof, and amending section 4 of said act, and declaring when this act shall take effect.

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 22. A bill regulating interest on money.

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 23. A bill to authorize the Boards of Commissioners of the several counties of this State, to appropriate money to aid in putting or keeping in repair any canal running in, through, along or by any such county.

Was read a second time by title and referred to a select committee of five Senators, composed of Messrs. Bird, Daugherty, Miller, Taylor and Collett.

Senate Bill, No. 24. An act to amend section 30, of an act entitled "An act providing for the election or appointment of Supervisors of Highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved December 20, 1865.

Was read a second time by title, and referred to committee on county and township business.

Senate Bill No. 25. A bill to repeal an act entitled "An act regulating the fees and salaries, and duties of certain officers therein named, and prescribing penalties for the violation of its provisions," and to revive all laws repealed thereby, and declaring an emergency.

Was read a second time, and referred to the committee on fees and salaries.

Senate Bill No. 26. A bill amending section 18, of an act entitled "An act regulating descents and the apportionment of estates," approved, May 14, 1852.

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 27. An act to legalize certain acts of corporations

organized or attempted to be organized under and by virtue of "An act authorizing the construction of plank, macadamized and gravel roads." approved, June 12, 1852, and acts supplemental thereto.

Was read a second time by title, and referred to the committee on corporations.

Senate Bill No. 29. An act to provide for the enlargement of the State House grounds by vacating a certain street and alley named therein, and by acquiring certain real estate therein described, in order to furnish a suitable site for a new State House.

Was read a second time by title, and referred to committee on public buildings, and 200 copies ordered printed.

Senate Bill No. 30. A bill to amend the title and the first section of "An act to organize a Supreme Court, and prescribing certain duties of the judges thereof."

Was read a second time by title, and referred to the committee on organization of courts.

Senate Bill No. 31. An act supplemental to an act authorizing the assessment of lands for plank, gravel and macadamized road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject, approved March 11, 1867, the act aforesaid having been approved May 14, 1869, and repealing so much of said act as affects such companies not organized at the taking effect of this act.

Was read a second time by title, and referred to the committee on corporations.

Senate Bill No. 32. A bill to legalize the sale of seminary lands in Jasper county, to Marion L. Spitler and Margaret Stackhouse, and directing how the proceeds of said sale shall be applied, and declaring an emergency.

Was read a second time by title, and referred to the committee on corporations.

Senate Bill No. 33. An act to amend an act entitled "An act to incorporate the Indiana Fire and Marine Insurance Company."

Was read a second time by title, and referred to the committee on corporations.

Senate Bill No. 34. An act to amend sections 90 and 103 of an act entitled "An act to revise, simplify and abridge the rules, practices, pleadings and forms in criminal actions in this State," approved June 17, 1852, and declaring an emergency.

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 35. An act to amend sections 17 and 29 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Was read a second time by title, and referred to the committee on corporations.

Senate Bill No. 36. A bill regulating prosecutions of cases of bastardy, and providing for the support of illegitimate children, repealing an act regulating the same, approved May 6, 1852, and declaring an emergency.

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 37. An act to amend section 47 of an act entitled "An act to provide for the opening, vacating and change of highway," approved June 17, 1852.

Was read a second time by title, and referred to committee on roads.

Senate Bill No. 38. An act supplemental to an act approved February 25, 1865, entitled "An act appointing commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof, until the same is provided, and matters properly connected therewith."

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 39. A bill to amend an act to authorize and encourage the construction of levees, dykes and drains, and the

reclamation of wet and overflowed lands by incorporated companies, etc.

Was read a second time by title, and referred to the committee on agriculture.

Senate Bill No. 40. An act to amend section 2 of an act entitled "An act concerning the organization of voluntary associations, and repealing all former laws in reference thereto," approved February 12, 1855, and declaring an emergency.

Was read a second time by title, and referred to the committee on corporations.

Senate bill No. 41. An act to amend section 5 of an act entitled "An act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors: to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for the violation thereof."

Was read a second time, and referred to the committee on education.

Senate Bill No. 42. An act to repeal section 15 of an act entitled "An act concerning promissory notes, bills of exchange, bonds, or other instruments in writing, signed by any person who promises to pay money, or acknowledges money to be due, or for the delivery of any specific article, or to convey property, or to perform any stipulation therein mentioned, and repealing all laws coming in conflict therewith," approved March 11, 1861; also to repeal an act entitled "An act providing for the redemption of real property, or any interest therein, sold on execution or order of sale, and providing for the issue of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith," approved June 4, 1861.

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 43. An act to authorize the construction of levees, dykes and drains by incorporated companies, and to repeal all former laws relating to the same subject, and declaring an emergency.

Was read a second time by title, and referred to the committee on corporations.

Mr. Williams moved that Senate Bill No. 6 be taken up and made the special order for Thursday next at 2 o'clock P. M.

Which motion was agreed to.

Mr. Brown moved that the Senate resolve itself into a committee of the whole to consider the message of his Excellency, Governor Baker.

Which motion was agreed to, and the Senate went into a committee of the whole with Senator Williams in the chair.

When the committee rose, Mr. Williams, Chairman of the committee of the whole, made the following report:

MR. PRESIDENT:

The committee of the whole Senate have had under consideration the Governor's Message, and made the proper reference of the same and ask the Senate to concur in its recommendations and to be discharged from the further consideration thereof.

Which report was concurred in.

The following resolution accompanied said report:

*Resolved*, That so much of the Governor's Message as relates to the completion of the unfinished business of one session by another, and to the Garrett suit against the Wabash and Erie Canal, be referred to the committee on the judiciary.

That so much of said Message as relates to an additional Judge of the Supreme Court, be referred to the committee on the organization of courts.

That so much as relates to the act, regulating fees and salaries, and to the salaries of the Governor and Judges of the Supreme Court, be referred to the committee on fees and salaries.

That so much as relates to the additional provisions for the Insane, to the Institution for the Education of the Blind, and to the Soldiers' Home, be referred to the committee on benevolent institutions.

That so much as relates to the House of Refuge and to the Indiana Reformatory Institute for women and girls, be referred to the committee on reformatory institutions.

That so much as relates to the State Prisons, be referred to the committee on that subject.

That so much as relates to the State Normal School, be referred to the committee on education.

That so much as relates to the Treaty of Washington, be referred to the committee on federal relations.

That so much as relates to the constitutional amendment, in relation to the canal debt, be referred to the committee on the judiciary.

That so much as relates to the late Norman Eddy, be referred to a select committee of five Senators.

That so much as relates to Tippecanoe Battle Ground, be referred to a select committee of three, composed of Messrs. Taylor, Rhodes and Harney.

That so much as relates to the Soldier's Monument, be referred to a select committee of one from each Congressional District.

Which recommendations were agreed to.

Message from the House, by Mr. Nixon, Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following concurrent resolution of the Senate, to-wit:

*Resolved*, By the Senate, the House of Representatives concurring, that this General Assembly of the State of Indiana, will, on the second Tuesday after the meeting and organization thereof, to-wit: on Tuesday, November 16, 1872, at 12 o'clock meridian of said day, by a *viva-voce* vote of each member present, of each House of this General Assembly, proceed to elect a Senator in Congress, to represent the State of Indiana in Congress, whose term of office shall commence at the expiration of the present term of office of Senator Morton.

On motion by Mr. Dittmore,

The Senate adjourned until to-morrow, at 2 o'clock P. M.

## THURSDAY AFTERNOON.

NOVEMBER 21, 1872, 2 O'CLOCK.

The Senate met.

On motion by Mr. Gregg,

The reading of the Journal was dispensed with.

## SPECIAL ORDER.

The hour of two o'clock P. M. having arrived, being the time fixed for the consideration of the special order, the Senate proceeded to the consideration of Senate Bill No. 6. Entitled, an act to regulate and make uniform, the prices charged by railroad companies for transporting passengers, goods, wares, merchandise and other property, to and from stations, on railroads in the State of Indiana; declaring the duty of certain officers in relation thereto, prescribing penalties for the violation thereof, and declaring an emergency.

Which was read a second time.

Mr. Dittemore moved to amend by striking out the second section of the bill.

Message from the House, by Mr. Nixon, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed the following enrolled act of the House of Representatives, to wit: Enrolled act No. 33. An act appropriating seventy-five thousand dollars to defray the expenses of the Special Session of 1872 of the General Assembly of the State of Indiana.

Which is herewith transmitted to the Senate for the signature of the President thereof.



I am also directed to inform the Senate that the House has passed the following concurrent resolution thereof, to wit:

WHEREAS, A bill is now pending in the Congress of the United States for the division of the District of Indiana into two judicial districts, creating a new district of that portion of the State lying south of the counties of Wayne, Henry, Hancock, Marion, Hendricks, Putnam, Parke, and Vermillion; and

WHEREAS, The public interest do not require a new district in this State, as the amount of business is not greater than can readily be disposed of by the present judicial force, and the multiplication of districts greatly increase the expenses of the general government and the burdens of the public; and

WHEREAS, The proposed new district, so far as the great body of the people within its limits are concerned, will occasion great inconvenience by compelling parties, witnesses, jurors and counsel to travel to much greater distance than now by a circuitous route, and at greatly increased expense; therefore,

*Be it resolved by the Senate and House of Representatives of the General Assembly of the State of Indiana, That our Senators be instructed and our Representatives in Congress be requested to oppose the passage of any such bill.*

2. That the Governor be requested to cause copies of this joint resolution to be certified to said Senators and Representatives.

Also, that the House has passed the following resolution, to wit:

*Resolved, That the Senate be respectfully requested to so amend the concurrent resolution adopted by them on yesterday, on the subject of electing a United States Senator, as to indicate that the said election shall be conducted in conformity with the act of Congress on that subject.*

The question being on the adoption of the amendment offered by Mr. Dittmore.

Mr. Dwiggins moved to amend the amendment by striking out the word "ten" in line two of section two, and inserting in lieu thereof the word "five" also add to the said section these words, provided, that this section shall not apply to railroads consolidated

with or leased by a railroad company, which shall have been in operation more than "ten" years.

Mr. Brown moved to commit the bill and pending amendments to the committee on railroads, and that every Senator have the privilege of sending to the committee for its consideration, any amendment he shall deem proper.

Which motion was agreed to.

Mr. Daggy moved to instruct the same committee to investigate and report to this Senate whether the sixth section of said bill is constitutional, and whether the provisions of said bill can be made applicable to railroads, organized and operating under special charter.

Which motion was agreed to.

The President laid before the Senate the following communication :

INDIANAPOLIS, Nov. 21, 1872.

The President, members and officers of the Senate, are cordially invited to attend this evening's session of the Synod of Indiana. It is expected that able and interesting addresses will be delivered by missionaries who have been located in different parts of Asia and Africa. Convention meets at 7 P. M., at the Second Presbyterian Church, corner of Pennsylvania and Vermont streets.

Which invitation,

On motion by Mr. Thompson,

Was accepted.

Mr. Williams moved to suspend the order of business and take up the message of the House, containing the resolutions of the House of Representatives, instructing our Senators and requesting our Representatives in Congress to vote against any measure proposing to divide the State of Indiana into two or more judicial districts.

Which motion was agreed to.

The question being on the adoption of the resolution,

It was agreed to.

Mr. Williams moved to reconsider the vote on the adoption of said resolution, it being in the nature of a joint resolution.

Which motion was agreed to.

The question recurring on the passage of the Joint Resolution,  
The ayes and noes were taken.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Dwiggins,	Sarnighausen,
Beardsley,	Friedley, of Scott,	Slater,
Beeson,	Gregg,	Sleeth,
Boone,	Harney,	Steele,
Bowman,	Haworth,	Smith,
Brown,	Hough,	Stroud,
Bunyan,	Howard,	Taylor,
Cave,	Miller,	Thompson,
Carnahan,	Neff,	Williams,
Chapman,	O'Brien,	Winterbotham
Daggy,	Orr,	Mr. President—36.
Dittemore,	Ringo,	

Mr. Gooding, voting in the negative.

So the joint resolution passed.

Mr. Williams moved the title of the joint resolution be as follows:

“A joint resolution, instructing our Senators and requesting our Representatives to vote against any measure in Congress to divide the State into two or more judicial districts.”

It was so ordered.

Ordered that the Secretary inform the House of the passage of said joint resolution.

Mr. Taylor moved to take up all messages from the House requiring action by the Senate.

Which motion was agreed to.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has adopted the following joint rules for conducting business in the two Houses of the General Assembly of the State of Indiana.

1. While Bills and Joint Resolutions are on their passage between the two Houses, they shall be on paper, under the signature of their Clerks respectively.

2. After a Bill or Joint Resolution shall have passed both Houses, it shall be duly enrolled on paper; and the Clerk of the House where it originated shall indorse upon the back thereof the House in which it originated, under which he shall place his signature.

3. Every Bill or Joint Resolution, after being enrolled, shall be examined by the joint committee of enrolled bills, consisting of three from the Senate and six from the House, appointed as a standing committee for that purpose; one of whom on the part of the Senate and two from the House shall be sufficient to act, who shall compare the same with the engrossed bill, and correct any errors they may discover, so as to make it agree therewith; and make their report forthwith to their respective Houses.

4. Every Bill or Joint Resolution reported to have been duly enrolled shall be signed first by the Speaker of the House of Representatives, who shall send the same to the Senate; then by the President of the Senate; after which it shall be presented by the joint committee of enrolled bills to the Governor for his approbation and signature; and the said committee shall report to their respective Houses the day of their presentation, which report shall be entered on the Journals of each House.

5. All Bills and Joint Resolutions shall be signed by the Speaker of the House of Representatives and the President of the Senate, in their Houses respectively, when in session, which shall be carefully noted on the Journals of each House.

6. When any paper or papers, proper to be acted upon by both Houses, shall come before either, the House before which such paper or papers are laid, shall, after acting thereupon, lay it or them before the other House.

7. In every case of an amendment of a Bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall, at a convenient hour, to be agreed upon by their chairman,

meet in the conference chamber, and state to each other, verbally, or in writing, as either shall choose, the reason of their respective Houses for and against the amendment, and confer freely thereon, and report to each House their proceedings thereon. A committee of conference shall consist of two members from each House. After each House shall have adhered to their disagreement a bill of resolution shall be lost.

8. In all cases where the Sergeant-at-Arms of one House shall, by reason of official engagements, or other cause, be unable to execute the commands or process of the House of which he is an officer, it shall be the duty of the Sergeant-at-arms of the other House to execute such commands, together with such process as may be directed to him by the presiding officer thereof.

9. The following standing committees, on the part of each House, shall be appointed to act as joint committees :

A standing committee on Enrolled Bills, to consist of six on the part of the House, and three on the part of the Senate.

A Committee on Public Buildings, to consist of three members from each House.

A Committee on State Library, to consist of three members from each House.

A Committee on Canal Fund, to consist of three members from each House.

10. In all elections which require a distinct and separate vote of each House, the voting shall be simultaneous in both Houses. No person shall be deemed to be elected in the proper House, making such separate choice, unless he receives a majority of all the votes given in such House. Each House shall, as soon as a choice shall be made on such separate voting, forthwith communicate the same to the other House; and if it shall appear that the Houses have concurred in their choice of any or either of the persons so voted for, such person or persons shall be deemed and declared duly elected. But if the Houses do not concur in their choice of each and all the officers so to be elected, then, in such case, the two Houses shall, in like manner, forthwith proceed to a second separate choice of the remaining officers so attempted to be elected. But if no concurrence

then be had, the two Houses shall, in like manner, proceed to a third separate choice. If the two Houses shall not have concurred in their third separate choice, the two Houses shall proceed to a joint vote *instantly* for the election of such officer or officers as the two Houses may have failed, for want of concurrence as aforesaid, to elect.

11. In joint conventions and meetings of the two Houses, it shall be incompetent for either House, or the members thereof, or the joint convention, to engage in the transaction of any business other than that for which they were so specifically assembled.

12. When a message is sent to the Senate, or to the House of Representatives, it shall be announced at the door by the Sergeant-at-arms, or by the Doorkeeper, and it shall be respectfully communicated to the Chair, by the person by whom sent.

13. Messages shall be sent by such persons as the President of the Senate, or Speaker of the House, may designate for that purpose.

14. No bill that shall have passed one House, shall be sent for concurrence to the other, on the last two days of the session.

15. When bills which shall have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

16. No spirituous liquors shall be offered for sale, or exhibited, within the Capitol, or on the public grounds adjacent thereto.

Mr. Hough moved that the Senate adopt the joint rules of the House, as reported in the foregoing message.

Which motion was agreed to.

*Resolved*, By the House of Representatives, the Senate concurring therein, that there be printed in pamphlet form, eight thousand copies of his Excellency, Governor Baker's message; fifteen hundred copies thereof shall be printed in the German language; and that one thousand copies of said message be delivered to the Governor, for his own use, and the remainder thereof be distributed *pro rata* among the members of the General Assembly, for circulation.

Mr. Sarnighausen moved to amend by striking out the words "fifteen hundred," and inserting the words "two thousand."

Which motion was not agreed to.

The question recurring on the adoption of the concurrent resolution,

It was agreed to.

#### CONCURRENT RESOLUTION RELATING TO THE STATE PRISONS.

*Be it resolved by the House of Representatives,* (the Senate concurring therein, 1st. That the wardens and directors of the State Prison be, and they are hereby directed and instructed not to extend the time of the present contracts for the labor of the convicts, nor to make any new contracts extending for a longer time than those now in force, until after the adjournment of the regular session of the General Assembly.

*Resolved,* That the standing committees of the Senate and House of Representatives on the State Prisons be, and they are hereby instructed, to meet together as a joint committee, and as such joint committee they are hereby instructed to consider the necessity and propriety of establishing a system of graded prisons, and that they report thereon by bill or otherwise.

Which resolution was adopted.

MR. PRESIDENT:

I am also directed by the House to inform the Senate that the House has adopted the following joint standing committees on the part of the House:

1. On Public Library—Messrs. Lee, Smith and Hardesty.
2. On Public Buildings—Messrs. Branham, Brett, and Kimball.
3. On Canal Fund—Messrs. Goudie, Claypool, and Reeves.
4. On Enrolled Bills—Messrs. Cobb, Stanley, Butterworth, Tulley, Scott, and Bouser.

The President announced the following joint standing committees on the part of the Senate:

1. On Enrolled Bills—Messrs. Collett, Sleeth, and Hall.
2. On Public Buildings—Messrs. Oliver, Daggy, and Harney.
3. On State Library—Messrs. Hough, Rhodes, and Smith.
4. On Canal Fund—Messrs. Haworth, Bunyan, and Armstrong.

The President announced that he had signed Enrolled Act of the House No. 33.

Mr. Miller, from the committee on roads, made the following report :

MR PRESIDENT :

The Committee on Roads, to whom was referred Senate Bill No. 37, a bill to amend section 47 of an act entitled " An act to provide for the opening, vacating, and change of highways, approved June 17, 1852," have had the same under consideration, and direct me to report the same back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Friedley, of Scott, presented a petition, and asked that it be referred to the committee on military affairs without reading.

Which was so referred.

Mr. Dittemore moved to adjourn.

Which motion was not agreed to.

Mr. Cave, from the committee on roads, made the following report :

MR. PRESIDENT :

The committee on roads, to whom was referred Senate Bill No. 18, beg leave to report that we have examined it, and recommend its passage.

Which report was concurred in.

Mr. Dittemore offered the following resolution :

*Resolved*, That the door-keeper of the Senate be, and he is hereby instructed to have the mail matter of the Senate sent to the city post-office by 9 o'clock A. M. of each day.

Which resolution was adopted.

Mr. Boone offered the following resolution :

*Resolved*, That the committee on the organization of courts be,



and they are hereby instructed to inquire into the expediency of providing by law, for dividing the State into convenient judicial circuits and Common Pleas districts of such size, regarding the population and business of the several counties, as shall give a fair amount of business in each of them, and as nearly as may equalize the labor of all the judges of said Courts, and for the establishment in each of such circuits.

First. A Criminal Circuit Court for each county in such circuits, which Courts shall have original exclusive jurisdiction of all felonies and of all misdemeanors, except as provided by law for Justices of the Peace, and such appellate criminal jurisdiction in all criminal sections as is now, or may be provided by law for Circuit Courts.

Second. Providing for holding such number and length of terms of said Criminal Courts as that justice shall be administered freely, and without purchase; completely and without denial, speedily and without delay.

Third. The Prosecuting Attorneys of the Circuit Courts shall prosecute the pleas of the State therein.

Fourth. That the Civil Circuit Court, in each of the counties in said circuits, shall have one and retain the same jurisdiction they now have by law, excepting only the jurisdiction of crimes, original or otherwise. Such courts to have the number and length of terms that shall enable them to administer justice without unnecessary delay. That a portion of each term shall be set apart for the making up of issues by the Court and the parties without the presence of the jury or witnesses, and each cause transferred to the trial docket whenever the issues are concluded and the day fixed for trial, at which time the jury and witnesses may come.

Fifth. Common Pleas Courts shall retain the same jurisdiction they now have by law, excepting only their criminal jurisdiction, original or otherwise, and shall, as far as practicable, be subject to the same rules and regulations as to pleading and practice as are provided for the Civil Circuit Courts.

Sixth. Abolish the office of District Prosecuting Attorney, and provide that the Circuit Prosecutor shall prosecute the pleas of the State before Justices of the Peace, by himself or his deputies.

Seventh. That the Clerks and Sheriffs of the several counties, now

constituted by law, shall act as the Clerks and Sheriffs of the said several courts in their respective counties.

Eighth. Provide for the election of one Judge of the Criminal Circuit Court for each circuit, and such additional judges of the Civil Circuit Courts, and Common Pleas judges and prosecuting attorneys as may be necessary to conform to the changes in the Circuit and Common Pleas Districts.

Ninth. Provides for a just and liberal compensation to all the judges and prosecuting attorneys for the services required of them, payable out of the State Treasury, and for the prompt removal from office of any such judges and prosecuting attorneys, for potent incompetency, crime, corruption, wilful or habitual neglect of duty, and report at an early day, by bill or otherwise.

Mr. Dwiggins moved that the resolution do lie on the table, and made a part of the special order for to-morrow at 2 o'clock P. M.

Which motion was agreed to.

Messrs. Wadge and Smith asked and obtained leave of absence until Monday next at 2 o'clock P. M.

Mr. Daggy asked and obtained leave of absence until Saturday next.

Mr. Armstrong gave notice that on to-morrow he would move to amend the rules of the Senate by requiring the roll to be called on the introduction of bills.

Mr. Haworth offered the following resolution :

*Resolved*, That the committee of the Senate on emigration have added to their title the subject of statistics, to be known hereafter as the "committee on emigration and statistics."

Which, under the rule, was laid over until to-morrow.

The committee on reformatory institutions asked and obtained leave of absence for this afternoon.

Mr. Thompson introduced

Senate Bill No. 48. An act to amend sections 1 and 8, of an act

entitled "An act to establish a house for the maintenance of sick and disabled Indiana soldiers and seamen and their widows and orphans, approved March 11, 1867, and section 2 of an act supplementary thereto, approved May 14, 1869."

Was read a first time.

Mr. Dittemore demanded a call of the Senate.

*Those who answered to their names were, Messrs.*

Armstrong,	Friedley (of Scott),	Sarnighausen,
Beardsley,	Gooding,	Slater,
Boone,	Gregg,	Sleeth,
Bowman,	Harney,	Smith,
Brown,	Haworth,	Steele,
Bunyan,	Hough,	Stroud,
Carnahan,	Howard,	Taylor,
Cave,	Miller,	Thompson,
Chapman,	Neff,	Wadge,
Daggy,	O'Brien,	Williams,
Dittemore,	Orr,	Winterbotham,
Dwiggins,	Ringo,	Mr. President—36.
Fuller,		

On motion,

Further proceedings under the call were dispensed with.

Mr. Carnahan moved to adjourn.

Which motion was not agreed to.

Mr. Hough introduced

Senate Bill No. 49. An act to amend section 22 of act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852.

Was read a first time.

Mr. Bowman introduced

Senate Bill No. 50. A bill to correct and define more correctly  
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the boundary line between the counties of Washington and Clarke, and declaring an emergency.

Was read a first time.

Mr. Taylor introduced

Senate Bill No. 51. A bill to amend section 1 of an act entitled "An act to organize a Supreme Court, and prescribing certain duties of the judges thereof."

Was read a first time.

Mr. Taylor introduced

Senate Bill No. 52. A bill dividing the State into Supreme Court Judicial Districts.

Was read a first time.

On motion by Mr. Neff,  
The Senate adjourned.

## FRIDAY MORNING.

NOVEMBER 22, 1872, 10 O'CLOCK.

The Senate met.

Pending the reading of the Journal, Mr. Sleeth moved that the further reading of the Journal be dispensed with.

Which motion was not agreed to.

The Journal was read, corrected and approved.

## PETITIONS, MEMORIALS, ETC.

Mr. Beeson presented a memorial from the Society of Friends, praying for the repeal of all laws granting divorces for any cause other than adultery and fornication.

Which memorial was referred to the committee on rights and privileges of the inhabitants of the State.

Mr. Beeson presented the following:

## MR. PRESIDENT:

In compliance with a resolution of the Senate, the Doorkeeper respectfully reports that he has procured suitable rooms, named in the resolution, for the use of the different committees, as follows:

Committee on Education, Room No. 15.

On Corporations, No. 9.

On Organization of Courts, No. 14.

On Fees and Salaries, and Committee on Claims, No. 7.

All in Circle Hall.

The Committees on Temperance and Reformatory Institutions will occupy committee room in State House building, on the east side of said building.

All of which is respectfully submitted.

THEODORE W. PEASE,  
Doorkeeper.

Which report was concurred in.

Mr. Friedley, of Scott, presented claims by Indianapolis Journal Company, and the Indianapolis Sentinel Company.

Which, on motion, were referred to the committee on claims without reading.

Mr. Bird, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate Bill No. 23, a bill to authorize the several counties in this State to appropriate money to aid in putting or keeping in repair any canal running in, through, or along any county, have had the same under consideration, and directed me to report the same back to the Senate, with the recommendation that the bill do pass.

Which report was concurred in.

Mr. Williams moved to read the bill a second time.

Which motion was decided by the President to be out of order.

Mr. Bird moved that the order of business be suspended and the bill read a second time now, and ordered engrossed.

Which motion was not agreed to.

Mr. Dittmore offered the following resolution:

*Resolved*, That the elective officers of the Senate be allowed the same papers wrapped, stamped, etc., as are allowed members of the Senate.

Which resolution was adopted.

Mr. Dwiggins offered the following resolution:

*Resolved*, That the Auditor of State be requested to inform the Senate the amount of the swamp land fund now on hand.

Which resolution was adopted.

Mr. Haworth offered the following resolution:

*Resolved*, That Richard Moore and Thomas Dorsey, be each allowed five days' pay, for firing up the Hall and Senate Chamber at the opening of the present session.

Mr. Carnahan moved to refer the resolution to the committee on claims.

Which motion was not agreed to.

Mr. Bunyan moved to amend by striking out the words "five dollars," and inserting the words "three dollars."

Mr. Dittmore moved the amendment do lie on the table.

Which motion was agreed to.

The question recurring on the adoption of the resolution by Mr. Haworth, Messrs. Brown and Harney demanded the ayes and noes :

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Dittmore,	Miller,
Beeson,	Dwiggins,	O'Brien,
Bird,	Fuller,	Oliver,
Boone,	Francisco,	Orr,
Bowman,	Friedley, of Scott,	Rhodes,
Brown,	Gooding,	Ringo,
Carnahan,	Gregg,	Slater,
Cave,	Hall,	Stroud,
Daugherty,	Haworth,	Thompson—27.

*Those who voted in the negative were, Messrs.*

Armstrong,	Hough,	Steele,
Bunyan,	Howard,	Williams,
Chapman,	Neff,	Winterbotham
Collett,	Sarnighausen,	Mr. President—14.
Harney,	Sleeth,	

So the resolution was adopted.

Mr. Hall offered the following resolution :

*Resolved*, That the Senate having indicated their wish that the morning session should be opened with prayer, the Secretary is hereby instructed to ascertain the names of the different evangelical ministers of the Gospel who are willing to officiate as Chaplains, and by mail notify them in turn, at least two days before the day on which their services are desired.

Which resolution was adopted.

Mr. Orr offered the following resolution :

*Resolved*, That the committee on temperance inquire into the expediency of passing a law prohibiting the granting of license to sell intoxicating liquors of any kind as a beverage, and report by bill or otherwise.

The question being on the adoption of the resolution,  
Messrs. Slater and Gregg demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Dittemore,	O'Brien,
Beardsley,	Dwiggins,	Oliver,
Beeson,	Fuller,	Orr,
Bird,	Friedley, of Scott,	Rhodes,
Boone,	Glessner,	Ringo,
Bowman,	Hall,	Sleeth,
Brown,	Harney,	Steele,
Bunyan,	Haworth,	Stroud,
Carnahan,	Hough,	Taylor,
Chapman,	Howard,	Thompson,
Collett,	Miller,	Mr. President—35
Daugherty,	Neff,	

*Those who voted in the negative were, Messrs.*

Cave,	Gregg,	Slater,
Francisco,	Sarnighausen,	Winterbotham—6

So the resolution was adopted.

Message from the Governor, by Mr. Commons, his Private Secretary :

MR. PRESIDENT :

By direction of the Governor, I have the honor to transmit herewith a communication accompanied by a memorial of the Bar Association of the State of Indiana.

GENTLEMEN OF THE SENATE :

In compliance with the request of the Bar Association of the



State of Indiana, I herewith respectfully transmit a memorial of said Association in relation to the improvement of the judicial system of this State.

I have not had time myself to examine the memorial, but the source from which it emanates will secure for it, I feel assured, that careful consideration to which it is entitled.

CONRAD BAKER,  
Governor of Indiana.

Mr. Beeson moved to suspend the order of business to take up Senate Bill 44 for reference.

Which motion was agreed to.

Senate Bill No. 44. An act to amend an act entitled "An act to establish a House of Refuge for the conviction and reformation of juvenile offenders," approved March 8, 1867, and repealing section 11 of said act, and declaring an emergency.

Was read a second time by title and referred to the committee on reformatory institutions.

Mr. Harney offered the following resolution :

*Resolved*, That the committee on fees and salaries be instructed to bring in a bill making the pay of members of the General Assembly eight dollars per day, and from their pay shall be deducted sufficient to pay the employes of both Houses, and stationery.

Mr. Brown moved to amend by striking out "committee on fees and salaries" and inserting "committee on expenditures."

Pending which, Mr. Brown moved to lay the whole subject on the table.

Which motion was agreed to.

Mr. Armstrong called up his resolution of yesterday, changing the rules of the Senate, as follows :

*Resolved*, That when the introduction of bills are the order, that the clerk call the roll, giving each member an opportunity to respond.

On motion by Mr. Brown,  
The resolution was laid on the table.

Mr. Haworth called up the resolution offered by him on yesterday, changing the rules of the Senate as follows :

*Resolved*, That the committee of the Senate on emigration have added to their title the subject of statistics, and to be known hereafter as the committee on emigration and statistics.

The question being on the adoption of the resolution,  
It was agreed to.

Mr. Gregg moved to make the message from the Governor, and accompanying documents the special order for 2 o'clock P. M. to-day.

Which motion was agreed to.

#### INTRODUCTION OF BILLS.

Mr. Glessner introduced

Senate Bill No. 53. An act creating the Twenty-sixth Judicial District, composed of the county of Shelby, fixing the time of holding courts therein, providing for return of process, and repealing all laws in conflict herewith.

Was read a first time.

Mr. Friedley, of Scott, introduced

Senate Bill No. 54. An act to divide the State of Indiana into Congressional Districts.

Was read a first time.

Mr. Steele introduced

Senate Bill No. 55. A bill providing for the relocation of county seats, and repealing all laws in conflict therewith.

Was read a first time.

Mr. Dwiggins introduced

Senate Bill No. 56. A bill to amend sections 22 and 57 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declar-

ing their duties," approved, June 11, 1852, which sections were amended and approved, March 2, 1855, and declaring an emergency.

Was read a first time.

On motion by Mr. O'Brien,  
The Senate took a recess until 2 o'clock P. M.

#### AFTERNOON SESSION, AT 2 O'CLOCK.

The Senate reassembled.

Mr. Glessner introduced

Senate Bill No. 57. An act to repeal an act entitled "An act to prevent the breaking of a quorum in the General Assembly, and prescribing punishment thereof," approved February 7, 1867.

Was read a first time.

#### SPECIAL ORDER.

The hour of 2 o'clock having arrived, it being the hour fixed for the consideration of the resolution offered by Mr. Dwiggins, and accompanying amendments and substitutes therefor, the same was taken up, together with the documents accompanying the Governor's message.

By unanimous consent, Mr. Gooding presented a petition from members of the Bar of Vanderburg and other counties, and asked that it be considered with the special order.

Mr. Boone moved to substitute the resolutions offered by him, for the substitute of Mr. Glessner to the original resolutions.

Which motion was agreed to.

The question recurring on the adoption of the substitute of Mr. Boone for the original resolutions,

It was agreed to.

Mr. O'Brien moved that all the resolutions and documents on the subject, be referred to the committee on the organization of courts.

Which motion was agreed to.

The President laid before the Senate the advanced sheets of so much of the report of the Auditor of State as relates to the subject of State printing, as called for by the Senate.

Mr. Dwiggins introduced.

Senate Bill No. 58. A bill to repeal an act, entitled, "An act to enforce the 13th article of the constitution," approved June 18, 1852.

Was read a first time.

Mr. Haworth introduced

Senate Bill No. 59. A bill to order the postponement of the collection of taxes, without penalty, voted by counties or townships in aid of railroads, where there is no permanent location of the same.

Was read a first time.

Mr. Orr introduced.

Senate Bill No. 60. A bill regulating interest on all judgments or decrees, and repealing all laws in conflict with this act.

Was read a first time.

Mr. Thompson introduced

Senate Bill No. 61. A bill to protect society against dangerous consequences arising from setting persons at liberty, who may have been acquitted of any murder, manslaughter, robbery, arson, rape, larceny, or other felony, upon the ground and defence of insanity.

Was read a first time.

Mr. Daugherty introduced

Senate Bill No. 62. An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, of an act, entitled, "An act to incorporate

the town of Bluffton," approved February 12, 1851, and also to repeal section 11 of said act.

Was read a first time.

Mr. Sarnighausen introduced

Senate Bill No. 63. An act in relation to promissory notes and bills of exchange, and to designate holiday, to be observed in the presentment, acceptance and payment of the same.

Was read a first time.

The following Senators asked and obtained leave of absence until Monday next at 2 p. m., to wit.: Messrs. Neff, Hall, Francisco, Binger and Winterbotham.

Mr. Haworth introduced

Senate Bill No. 64. A bill creating a department of statistics and prescribing rules and regulations for the government of the same.

Was read a first time.

Mr. Thompson introduced

Senate Bill No. 65. An act granting the consent of the State of Indiana to the purchase by the United States of certain lands for the purpose of the erection of a public building at Indianapolis, and ceding jurisdiction over the same.

Was read a first time.

Mr. Thompson moved that the constitutional rule requiring bills to be read on three several days be suspended, that the bill may be read a second time.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Bunyan,	Dwiggins,
Beeson,	Carnahan,	Fuller,
Boone,	Cave,	Friedley, of Scott,
Beardsley,	Collett,	Francisco,
Bird,	Chapman,	Gooding,
Bowman,	Daugherty,	Gregg,

Glessner,	Orr,	Sleeth,
Haworth,	O'Brien,	Slater,
Hough,	Rhodes,	Taylor,
Howard,	Ringo,	Thompson,
Harney,	Stroud,	Williams,
Miller,	Steele,	Winterbotham,
Oliver,	Sarnighausen,	Mr. President—39.

No Senator voting in the negative.

So the rule was suspended, and the bill read the second time.

Mr. Thompson moved to amend by striking out the words "Senate and" from the enacting clause.

Which motion was agreed to.

Mr. Thompson offered the following amendment:

Whereas, an emergency exists, this act shall be in force from and after its passage.

Which amendment was adopted.

On motion,

The bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Rhodes asked that the committee on fees and salaries be authorized to employ a clerk.

Which request was granted.

Mr. Gooding asked that the committees on railroads and federal relations be authorized to employ one clerk to serve both committees.

Which request was granted.

Mr. Dittmore moved to reconsider the vote on the adoption of the resolution instructing the Doorkeeper to employ a janitor for the committee on finance.

Which motion was agreed to.

Mr. Dittmore moved to amend the resolution by striking out the word "doorkeeper" and inserting "chairman of the committee."

Which amendment was agreed to.

The question recurring on the adoption of the resolution so amended,

It was agreed to.

Mr. Sleeth introduced

Senate Bill No. 66. A bill to empower the boards of trustees of incorporated towns to regulate, license, or restrain the sale of spirituous, vinous, malt, and other intoxicating liquors, etc., the keeping of billiard tables for rent, or hire, within their corporate limits, and declaring an emergency.

Which was read a first time.

Mr. Gooding introduced

Senate Bill No. 67. An act to amend section 29 of an act entitled "An act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Was read a first time.

Messrs. O'Brien and Daugherty asked and obtained leave of absence until Monday next at 2 o'clock P. M.

Mr. Rhodes introduced

Senate Bill No. 68. A bill to amend the second section of an act entitled "An act creating the Twenty-third Common Pleas District, and making provisions therefor, and repealing all conflicting laws," approved March 11, 1867, providing for the return of process, and declaring an emergency.

Was read a first time.

Mr. Sarnighausen introduced

Senate Bill No. 69. "An act to authorize and empower cities incorporated under any general law of this State for the incorporation of cities, and owning real estate, to sell and convey the same, in whole or in parcels, as the common council of such city, or cities, may deem expedient, and prescribing in what manner the same may be conveyed," and declaring an emergency.

Was read a first time.

Mr. Sleeth moved to reconsider the vote on the adoption of the resolution requesting ministers of the gospel to open the sessions of the Senate with prayer.

Which motion was agreed to.

Mr. Sleeth moved to amend the resolution by striking out the word "evangelical" before the word "minister," and by inserting the words "of the gospel" after the word "minister."

Which amendment was agreed to.

The question recurring on the adoption of the resolution as amended,

It was agreed to.

The committee on the judiciary asked and obtained leave of absence for to-morrow.

Mr. Francisco moved that the Senate adjourn until to-morrow at 10 o'clock A. M.

Mr. Brown moved to amend by saying Monday next, at 2 o'clock P. M.

It was not agreed.

The question recurring on the original motion of Mr. Francisco,  
It was agreed to.



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## SATURDAY MORNING.

NOVEMBER 23, 1872, 10 O'CLOCK.

The Senate met.

Pending the reading of the Journal,

Mr. Dittmore moved to omit the reading of the memorial of the Bar Association of the State of Indiana.

Which was agreed to.

The journal was then read and approved.

Message from the House by Mr. Nixon, Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed House bills, to wit:

House Bill No. 7. A bill providing that justices of the peace shall have exclusive original jurisdiction in certain cases of misdemeanors, and repealing all acts in conflict with this act.

House Bill No. 27. A bill concerning interest on judgments.

House Bill No. 32. A bill to fix the time of holding the Court of Common Pleas in the Sixteenth Judicial District, and repealing all laws in conflict therewith.

Mr. Dittmore moved to strike from the journal of yesterday the memorial of the Bar Association of the State of Indiana.

Which motion was agreed to.

### PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Brown presented a memorial from the religious society o

Friends, asking that a temperence law be passed by the General Assembly of the State of Indiana.

Which was referred to the committee on temperance.

Mr. Taylor, from the committee on education, reported back Senate Bill No. 41, and moved that it be recommitted to the committee on temperance.

Which motion was agreed to.

Mr. Gregg offered the following preamble and resolution :

WHEREAS, John C. Shoemaker, Auditor of State, has published and directed to Hon. George W. Friedley, President of the Senate, printed statements, dated at Indianapolis, November 28, 1872, of many grave abuses, and serious losses resulting to the State through the office of State Printer, that has come under his observation while acting as Auditor of State, therefore,

*Resolved*, The committee on public printing be granted until the 29th day of this month, to investigate the propriety of abolishing the office of State Printer, and that said committee be empowered and authorized to send for persons and papers.

Which resolution was adopted.

Mr. Williams offered the following resolution :

*Resolved*, That the committee on the organization of courts, are hereby instructed to inquire into the expediency of reorganizing the courts of the State, abolishing the Court of Common Pleas, and prepare a proper county surrogate system for the transaction of probate business.

Which resolution was adopted.

Mr. Boone offered the following resolution :

*Resolved*, That the committee on the rights and privileges of the inhabitants of the State, be, and they are hereby instructed to address circular letters to the clerks of the several counties in this State, requesting immediate answers to interrogatories, so framed as that the answers shall show the number of weeks the Circuit Courts will have been in session, including special sessions thereof, for the year 1872, at the close of said year; the length of the regular terms in

weeks, and the number of causes—civil and criminal—that are now on the issue docket of said courts undisposed of.

And also the same information in reference to the Common Pleas Court, with the addition of the proximate number of decedent's estates, and guardianships now pending in these courts, and such other information as, in the wisdom of said committee, tend to show the condition of the business of said courts.

That said answers be placed in tabular form so as to show the substance of the information thus elicited in each county in the several circuits and judicial districts, by circuits and districts, and report the same to the Senate at the earliest possible period.

Which resolution was adopted.

Messrs. Oliver and Rhodes asked and obtained leave of absence until Monday next at 2 o'clock P. M.

The President laid before the Senate the following:

*To the Secretary of the Senate:*

At the session of the Indianapolis Methodist Ministers' meeting, held November 18, 1872, the following resolution was adopted, and the Secretary was ordered to send a copy thereof to the Clerk of each House of the Legislature:

*Resolved*, That the pastors of the M. E. Churches of Indianapolis will officiate as chaplains of the Legislature of Indiana on receiving from the Clerk of either House invitations so to do.

F. C. HOLLIDAY, President.

FROST CRAFT, Secretary.

Mr. Friedley, of Scott, moved to accept the proposition of said pastors.

Which motion was agreed to.

#### INTRODUCTION OF BILLS.

Mr. Sleeth introduced

Senate Bill No. 70. A bill making specific appropriation for the purchase of additional lands for the erection of buildings for workshops and barns, and the purchase of suitable apparatus for lighting the building with gas for the use and benefit of the Indiana Soldiers'

Orphan Home an Knightstown Springs, Rush county, Indiana, and declaring an emergency.

Was read a first time.

Mr. Carnahan introduced

Senate Bill No. 71. A bill to amend sections 7 and 49 of an act entitled "An act for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 15, 1852.

Was read a first time.

Mr. Thompson introduced

Senate Bill No. 72. An act to amend the 397th section of an act "to revise, simplify and abridge the rules, practices, pleadings and forms in civil cases in the courts of this State, to abolish the distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a first time.

Mr. Beardsley introduced

Senate Bill No. 73. A bill to amend sections 15 and 16 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852, and providing for the election of a town marshal by the town trustees, and declaring an emergency.

Was read a first time.

Mr. Rhodes introduced

Senate Bill No. 74. An act to legalize the acts and proceedings of boards of county commissioners in certain cases, and declaring an emergency.

Was read a first time.

Mr. Collett introduced

Senate Bill No. 75. An act defining the law of verbal slander, and fixing the punishment therefor.

Was read a first time.

Mr. Collett introduced

Senate Bill No. 76. An act defining the law and crime of libel, and prescribing the punishment therefor, and declaring an emergency.

Was read a first time.

Mr. Collett introduced

Senate Bill No. 77. An act to amend section 476 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and declaring an emergency.

Was read a first time.

Mr. Boone introduced

Senate Bill No. 78. A bill to amend section 19 of an act entitled "An act prescribing the powers and duties of justices of the peace," approved May 29, 1852.

Was read a first time.

Mr. Beeson introduced

Senate Bill No. 79. A bill to amend section 1 of an act to authorize any person desiring to erect a flouring mill or other machinery to be propelled by water, on his own land, to make a raceway below such mill or machinery, through land belonging to another person, and to regulate the assessment and payments of damages therefor (2 Gavin & Hord, 310) approved March 1, 1853.

Was read a first time.

Mr. Beardsley introduced

Senate Bill No. 80. An act to amend an act entitled "An act

providing for the protection of fish, and repealing all laws in conflict with the same," prescribing penalties for the violation thereof.

Was read a first time.

Mr. Collett introduced

Senate Bill No. 81. An act to authorize the election of a county engineer and three road commissioners, and the appointment of an examiner of county engineers, and defining their qualifications and duties, and providing for the locating, changing and vacating, constructing, repairing and maintaining public highways, and for levying, collecting and expending road tax, and repealing all laws, and parts of laws, in conflict therewith.

Was read a first time.

Mr. Taylor asked and obtained leave of absence until Monday, at 2 o'clock P. M.

Mr. Slater moved that when the Senate adjourns, it stand adjourned until Monday, at 2 o'clock P. M.

Which motion was agreed to.

#### SENATE BILLS ON SECOND READING.

Senate Bill No. 48. An act to amend sections 1 and 8 of an act entitled "An act to establish a home for the maintenance of sick and disabled Indiana soldiers and seamen, and their widows and orphans," approved March 11, 1867, and section 2 of an act supplemental thereto, approved May 14, 1869.

Was read a second time by title, and referred to the committee on benevolent institutions.

Senate Bill No. 48. An act to amend section 22 of an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, and declaring an emergency.

Was read a second time by title, and referred to the committee on corporations.

Senate Bill No. 50. A bill to correct and define more correctly

the boundary line between the counties of Washington and Clarke, and declaring an emergency.

Was read a second time by title, and referred to a select committee composed of Messrs. Bowman, Hall, Stroud, Williams, and Fuller.

Senate Bill No. 51. A bill to amend section 1 of an act entitled "An act to organize a Supreme Court, and prescribing certain duties of the judges thereof."

Was read a second time by title, and referred to the committee on the organization of courts.

Senate bill No. 52. A bill dividing the State into Supreme Court judicial districts.

Was read a second time by title, and referred to the committee on the organization of courts.

Senate Bill No. 45. A bill to provide for the permanent enclosure of the Tippecanoe Battle Ground.

Was read a second time by title, and referred to a select committee heretofore appointed.

Senate Bill No. 46. A bill repealing section 41 of an act entitled "An act prescribing who may make a will, the effect thereof, what may be devisee, regulating the revocation and admission to probate thereof," and declaring an emergency.

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 47. An act to repeal an act entitled "An act for the protecting of fish, and repealing all laws in conflict with the same, prescribing penalties for the violation thereof," approved February 22, 1871.

Was read a second time by title, and referred to the committee on county and township business.

Senate Bill No. 53. An act creating the Twenty-sixth Judicial District composed of the county of Shelby, fixing the time of holding

court therein, providing for the return of process, and repealing all laws in conflict therewith.

Was read a second time by title, and referred to the committee on the organization of courts.

Senate Bill No. 54. An act to divide the State of Indiana into Congressional Districts.

Was read a second time by title, and referred to a select committee of one from each Congressional District.

Senate Bill No. 55. A bill providing for the relocation of county seats, and repealing all laws in conflict therewith.

Was read a second time by title, and referred to the committee on county and township business.

Senate Bill No. 56. A bill to amend sections 22 and 37 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved, June 11, 1852, which section was amended and approved March 2, 1855, and declaring an emergency.

Was read a second time by title and referred to the committee on corporations.

Senate Bill No. 57. An act to repeal an act entitled "An act to punish the breaking of a quorum in the General Assembly, and prescribing punishment therefor, approved, February 7, 1867.

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 58. A bill to repeal an act entitled "An act to enforce the 13th article of the Constitution," approved, June 18, 1852.

Was read a second time, and by unanimous consent withdrawn.

Senate Bill No. 59. A bill to order the postponement of the collection of taxes, without penalty, voted by counties or townships in aid of railroads where there is no permanent location of the same.

Was read a second time by title, and referred to the committee on railroads.



Senate Bill No. 60. A bill regulating interest on all judgments or decrees, and repealing all laws in conflict with this act.

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 61. A bill to protect society against dangerous consequences arising from setting persons at liberty who may have been acquitted of any murder, manslaughter, robbery, arson, rape, larceny or other felony, upon the ground and defense of insanity.

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 62. An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, of an act entitled "An act to incorporate the town of Bluffton," approved February 12, 1851, and to repeal section 11 of said act.

Was read a second time by title, and referred to the committee on corporations.

Senate Bill No. 63. An act in relation to promissory notes, bank checks and bills of exchange, and to designate the holidays to be observed in the presentment, acceptance and payment of the same.

Was read a second time by title, and referred to the committee on banks.

Senate Bill No. 64. A bill creating a department of statistics, and prescribing rules and regulations for the government of the same.

Was read a second time by title and referred to the committee on emigration and statistics.

Senate Bill No. 66. A bill to empower the Boards of Trustees of incorporated towns to regulate, license or restrain the sale of spirituous, vinous, malt and other intoxicating liquors, and the keeping of billiard tables for rent or hire within their corporate limits, and declaring an emergency.

Was read a second time by title, and referred to the committee on corporations.

Senate Bill No. 67. An act to amend section 29 of an act enti-

tled "An act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Was read a second time by title, and referred to the committee on judiciary.

Senate Bill No. 68. A bill to amend the 2d section of an act entitled "An act creating the Twenty-third Common Pleas District, and making provisions therefor, and repealing all conflicting laws," approved March 11, 1867 ; providing for the return of process, and declaring an emergency.

Was read a second time by title, and referred to the committee on the organization of courts.

Senate Bill No. 69. An act to authorize and empower cities incorporated under any general law of this State for the incorporation of cities, and owning real estate, to sell and convey the same in whole or in parcels, as the Common Council of such city or cities may deem expedient, and prescribing in what manner the same may be conveyed, and declaring an emergency.

Was read a second time by title, and referred to the committee on corporations.

Mr. Dwiggins offered the following resolution :

*Resolved*, That the committee on incorporations be allowed to employ a clerk.

Which resolution was adopted.

On motion by Mr. Sleeth,

The Senate adjourned until Monday next at 2 o'clock P. M.

## MONDAY AFTERNOON.

NOVEMBER 25, 1872, 2 o'clock.

The Senate met.

Prayer was offered by Rev. Frost Craft, of the M. E. Church.

Mr. Brown rose to a privilege question, and presented the credentials of Hon. Harvey D. Scott, Senator elect from the county of Vigo, and moved their reference to the committee on elections.

Which motion was agreed to.

Mr. Scott came forward and was duly sworn in office by the President of the Senate, and took his seat.

Pending the reading of the Journal,

Mr. Dwiggins moved to suspend the further reading thereof.

Which motion was agreed to.

On motion by Mr. Brown,

Message from the House, containing House Bill No. 22, was taken up.

Engrossed House Bill No. 22. A bill to amend the first section and the title of an act approved March 4, 1865, entitled "An act providing for the completion of the unfinished business of any session of the General Assembly, by the next succeeding Special Session of the same General Assembly."

Was read a first time.

Mr. Brown moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill read a second time now.

The ayes and noes being taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Dwiggins,	Ringo,
Beardsley,	Fuller,	Rosebrugh,
Beeson,	Francisco,	Sarnighausen,
Beggs,	Friedley, of Scott,	Scott,
Bird,	Gooding,	Slater,
Boone,	Gregg,	Smith,
Bowman,	Hall,	Steele,
Brown,	Harney,	Stroud,
Bunyan,	Haworth,	Taylor,
Caruahan,	Hough,	Thompson,
Cave,	Howard,	Wadge,
Chapman,	Miller,	Williams,
Daggy,	O'Brien,	Winterbotham,
Dittemore,	Oliver,	Mr. President—41.

No Senator voting in the negative.

So the rule was suspended, and the bill read a second time by title, and

On motion by Mr. Brown,

Was referred to the committee on the judiciary.

The President announced the following as the select committee on congressional apportionment:

First District—Mr. Gooding.

Second District—Mr. Friedley, of Scott.

Third District—Mr. Francisco.

Fourth District—Mr. Sleeth.

Fifth District—Mr. Thompson.

Sixth District—Mr. Dittemore.

Seventh District—Mr. Taylor.

Eighth District—Mr. Miller.

Ninth District—Mr. Bird.

Tenth District—Mr. Chapman.

Eleventh District—Mr. Winterbotham.

Mr. Sleeth asked and obtained leave of absence until to-morrow 10 o'clock A. M.

## REPORTS FROM STANDING COMMITTEE.

Mr. Beeson, from the committee on reformatory institutions, made the following report :

MR. PRESIDENT :

The committee on reformatory institutions, to whom was referred Senate Bill No. 44, entitled, "An act to amend an act, entitled, 'An act to establish a House of Refuge for the correction and reformation of juvenile offenders,'" approved March 8, 1867, and repealing section 11 of said act, and declaring an emergency, have had the same under consideration, and direct me to report the same back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Gooding, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate Bill No. 26, entitled, "An act amending section 18 of an act, entitled, 'an act regulating decents, and the apportionment of estates,'" approved May 14, 1852, have directed me to report that they have had the same under consideration, and that the committee recommend that the same be indefinitely postponed.

Senator Daggy dissenting,

Mr. Daggy moved that the report do lie on the table.

Which motion was agreed to.

Mr. Daggy, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate Bill No. 38, entitled, "An act supplemental to an act approved February 25, 1865, entitled 'an act appointing commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof, until the same is provided, and matters properly connected therewith,'" have

had the same under consideration, and directed me to report the same to the Senate, with the recommendation that it pass.

Which report was concurred in.

Mr. Daggy, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 13, entitled, "A bill requiring railroad companies organized under any law of the State of Indiana, to keep their principal office of business within the State, and to have a majority of the directors resident within the State of Indiana, and along the line of railroad," have had the same under consideration, and direct me to return the same to the Senate, with the request that the same be recommitted to the committee on railroads.

Which report was concurred in.

#### REPORTS FROM SELECT COMMITTEES.

Mr. Dwiggins, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate Bill No. 8, a bill to fix the time of holding the courts in the Twenty-fifth Common Pleas District, report said bill back without amendment, and recommend that the same do pass.

Which report was concurred in.

Mr. Dwiggins moved that the order of business be suspended, and the bill read a second time now.

Which motion was agreed to.

Senate Bill No. 8. A bill to fix the time of holding courts in the Twenty-fifth Common Pleas District.

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

## RESOLUTIONS, ETC.

Mr. Hall offered the following resolution :

*Resolved*, That a committee of three examine the numbers and amounts of warrants issued by the United States to any person authorized to receive such warrants on the part of the State of Indiana, and report if like amounts have been covered into the State Treasury. The committee is hereby authorized to use the clerks in the Auditor's and Treasurer's offices.

Mr. Brown moved that the resolution do lie on the table.

The ayes and nees were demanded by Messrs. Fuller and Hall.

*Those who voted in the affirmative were Messrs.*

Beardsley,	Dittmore,	Oliver,
Beeson,	Dwiggins,	Ringo,
Beggs,	Friedley, of Scott,	Sarnighausen,
Bird,	Gooding,	Scott,
Boone,	Haworth,	Steele,
Brown,	Hough,	Taylor,
Bunyan,	Howard,	Thompson,
Chapman,	Miller,	Wadge,
Collett,	O'Brien,	Mr. President—28.
Daggy,		

*Those who voted in the negative were Messrs.*

Armstrong,	Francisco,	Slater,
Bowman,	Gregg,	Smith,
Carnahan,	Hall,	Stroud,
Cave,	Harney,	Williams,
Fuller,	Rosebrugh,	Mr. Winterbotham—15

So the resolution was ordered to lie on the table.

Mr. Brown offered the following resolution :

WHEREAS: The charter or act incorporating the Terre Haute and Indianapolis Railroad Company, granted or passed January 26, 1847, provided, in section 23 of said act, that certain surplus property, shall be paid over to the Treasurer of State for the use of common schools, and,

WHEREAS, It is alleged that the said railroad company has failed to carry out that provision of its charter or act of incorporation, and that it is now thereby indebted to the School Fund in a large sum of money, therefore be it.

*Resolved*, That it be referred to the committee on railroads to ascertain whether the Terre Haute and Indianapolis Railroad Company has complied with the conditions, provisions and obligations set forth in section 23 of the act incorporating said company, approved January 26, 1847, and that to satisfactorily investigate all matters connected therewith, the said committee be, and is hereby authorized to send for and examine the books and papers of said company, and to summon and examine the officers and employes of said company, and any other person or persons whose evidence may be necessary to ascertain the facts in the case.

Which resolution was adopted.

Mr. Armstrong offered the following resolution :

*Resolved* That the committee on the organization of courts be instructed to inquire into the expediency of a bill providing for the division of the State into convenient circuits, to abolish the Common Pleas Court, and to establish a County Court in each county in the State, giving such court jurisdiction of all probate matters, of suits upon contracts where the amount claimed does not exceed one thousand dollars, and upon costs where the amount claimed does not exceed five hundred dollars concurrent with the Circuit Court, and jurisdiction to try all misdemeanors subject to an appeal to the Circuit Court, except in probate matters; in them an appeal to the Superior Courts.

Which resolution was adopted.

Mr. Harney offered the following resolution :

*Resolved*, That the committee on agriculture is instructed to inquire into the expediency of providing by law for the encouragement of the growth of trees and to arrest the destruction of forest timber, and report by bill or otherwise.

Which resolution was adopted.

Mr. Dwiggins offered the following resolution :



*Resolved*, That the Auditor of State be requested to publish two hundred copies of the advanced sheets of his report relating to the sinking fund, for the use of the members of the Legislature.

Which resolution was adopted.

Mr. Boone offered the following resolution :

*Resolved*, That the clerk of the Supreme Court be requested to communicate to the Senate at an early day the number of cases on the docket of said court on the first day of January, 1871 ; the number of cases filed and entered upon the said docket from the said date to the present ; the number of causes decided or otherwise disposed of from the said first day of January, 1871, to this time ; and the number of causes now on said docket undisposed of.

Which resolution was adopted.

Mr. Gregg introduced

Senate Joint Resolution No. 1. A joint resolution in regard to the improvement of the Ohio river, and its tributaries :

WHEREAS, The Ohio river flows along the entire southern border of this State for more than 400 miles, and is the great natural and free thoroughfare for a large part of the people of this State to use for the transportation of their products to market, both within and beyond our natural limits, and

WHEREAS, The navigation of said river and its tributaries are in many other ways of great commercial importance to the people of this State, and

WHEREAS, The steamboats and other vessels used in carrying on the commercial and trade of said river, are rendered useless and idle for long seasons of the year on account of low water and obstructions in the channel of said river, and

WHEREAS, The Ohio River Improvement Commission (a commission created by the joint action of several States of the Union interested in the improvement of the Ohio river and its tributaries) recently convened in the city of Cincinnati, in the State of Ohio, and many eminent civil engineers are of the opinion that said river and its tributaries might be greatly improved by a judicious expenditure of a reasonable amount of money by the United States ; therefore,

*Be it resolved by the General Assembly of the State of Indiana,* That our Senators in Congress be instructed, and our Representatives be requested, to urge upon Congress the improvement of the Ohio river and its tributaries, so, if possible, to render said river and its tributaries navigable at all seasons of the year, for any and all steamboats and vessels now in use upon the same; and be it further

*Resolved,* That his Excellency the Governor, be requested to transmit to each of our Senators and Representatives in Congress a copy of this joint resolution.

Mr. Williams moved to amend by inserting after the word "Ohio" the words "and Wabash."

Which motion was agreed to.

The question being on the pas-age of the joint resolution as amended,

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Dittemore,	Rosebrugh,
Beeson,	Dwiggins,	Sarnighausen,
Beardsley,	Fuller,	Scott,
Beggs,	Francisco,	Slater,
Bird,	Friedley, of Scott,	Smith,
Boone,	Gooding,	Steele,
Brown,	Harney,	Stroud,
Bunyan,	Haworth,	Taylor,
Bowman,	Hough,	Thompson,
Carnahan,	Howard,	Wadge,
Cave,	Miller,	Williams,
Chapman,	O'Brien,	Winterbotham,
Collett,	Oliver,	Mr. President—43.
Daggy,	Ringo,	

No Senator voting in the negative.

So the joint resolution passed.

The question being, "Shall the title so read stand as the title of the joint resolution, it was so ordered.

Ordered that the Secretary inform the House of the passage thereof.

## INTRODUCTION OF BILLS.

Mr. Hough introduced

Senate Bill No. 82. An act to amend section 9 of an act entitled "An act to provide for electing electors for President and Vice President of the United States," approved May 20, 1852, and declaring an emergency.

Was read a first time.

Mr. Hough moved that the constitutional rule requiring bills to be read on three several days be suspended, that the bill may be read a second time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Dwiggins,	Rosebrugh,
Beardsley,	Fuller,	Sarnighausen,
Beeson,	Franciseo,	Scott,
Beggs,	Friedley, of Scott,	Slater,
Bird,	Gooding,	Sleeth,
Boone,	Gregg,	Steele,
Bowman,	Harney,	Smith,
Brown,	Haworth,	Stroud,
Bunyan,	Hough,	Taylor,
Carnahan,	Howard,	Thompson,
Cave,	Miller,	Wadge,
Chapman,	Neff,	Williams,
Collett,	O'Brien,	Winterbotham,
Daggy,	Oliver,	Mr. President—41
Dittemore,	Ringo,	

No Senator voting in the negative.

So the rule was suspended and the bill read a second time and ordered engrossed for a third reading on to-morrow.

The President laid before the Senate the following communication :

"Senator Morton and lady will give a public reception at their house on the corner of New York and Pennsylvania streets, to-mor-  
S. J.—9

row (Tuesday) evening, at 8 o'clock, to which the officers and members of the Senate, and their families, are specially invited."

INDIANAPOLIS, Nov. 25, 1872.

Which invitation, on motion by Mr. Hough, was accepted.

Mr. Smith introduced

Senate Bill No. 83. An act defining the offense of libel, making the same a misdemeanor, and prescribing the punishment therefor.

Was read a first time.

Mr. Stroud introduced

Senate Bill No. 84. A bill to protect the citizens of the State of Indiana from empiricism, and to elevate the medical profession.

Was read a first time.

#### SENATE BILLS ON SECOND READING.

Senate Bill No. 70. A bill making specific appropriation for the purchase of additional lands for the erection of buildings for workshops and barn, and purchase of suitable apparatus for lighting the buildings with gas, for the use and benefit of the Indiana Soldiers' Orphans' Home, at Knightstown Springs, Rush county, Indiana, and declaring an emergency.

Was read a second time by title, and referred to the committee on benevolent institutions.

Senate Bill No. 71. A bill to amend sections 7 and 49 of an act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements," approved June 15, 1852.

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 72. An act to amend the 397th section of an act to revise, simplify and abridge the rules, practice, pleadings and

forms in civil cases in the courts of this State, to abolish distinctive forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 73. An act to amend sections 15 and 16 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and defining their duties," approved June 11, 1852, and providing for the election of the town marshal by the town trustees, and declaring an emergency.

Was read a second time by title, and referred to the committee on corporations.

Senate Bill No. 74. An act to legalize the acts and proceedings of Boards of Commissioners in certain cases, and declaring an emergency.

Was read a second time by title, and referred to the committee on county and township business.

Senate Bill No. 75. An act defining the law of verbal slander, and fixing the punishment therefor.

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 76. A bill defining the law and crime of libel, and prescribing the punishment therefor, and declaring an emergency.

Was read a second time by title, and referred to committee on the judiciary.

Senate Bill No. 77. An act to amend section 476 of an act entitled "An act to revise, simplify and abridge the rules, practices, pleadings and forms in civil cases, in the courts of this State; to abolish distinctive forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved, June 18, 1852, and declaring an emergency.

Was read a second time by title, and referred to the committee on the organization of courts.

Message from the House, by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following concurrent resolution, to wit.:

WHEREAS, His Excellency, the President of the United States, has designated Thursday, the 28th day of November, as a day of Thanksgiving, and the members of this General Assembly are desirous of returning to their homes and spending that day with their friends and relatives, therefore,

*Resolved, by the House of Representatives, the Senate concurring and consenting thereto,* That the House when it adjourns on Wednesday next, the 27th instant, do adjourn until Monday, December 2d proximo, at 2 o'clock P. M.

Also, I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendments of the Senate to House joint resolution No. 5, entitled "A joint resolution, instructing our Senators and requesting our Representatives to vote against any measure in Congress to divide the State into two or more judicial districts."

Senate Bill No. 78. A bill to amend section 1 of an act entitled "An act prescribing the powers and duties of Justices of the Peace," approved May 29, 1852.

Was read a second time by title, and referred to the committee on organization of courts.

Senate Bill No. 79. A bill to amend section 1 of an act entitled "An act to authorize any person desiring to erect a flouring mill or other machinery to be propelled by water on his own land, to make a raceway below such mill or machinery through land belonging to other persons, and to regulate the assessment and payment of damages therefor. (2 G. and H., 310.)

Was read a second time by title, and referred to the committee on rights and privileges of the inhabitants of the State.

Senate Bill No. 80. An act to amend an act entitled "An act providing for the protection of fish, and and repealing all laws in conflict with the same, prescribing penalties for the violation thereof."

Was read a second time by title, and referred to the committee on the rights and privileges of the inhabitants of the State.

Senate Bill No. 81. An act to authorize the election of a county engineer, and three road commissioners, and the appointment, of an examiner of county engineers, and defining their qualification and duties, and providing for the laying out, locating, changing and vacating, constructing, repairing and maintaining public highways, and for levying, collecting and expending road tax, and repealing all laws and parts of laws in conflict therewith.

Was read a second time by title, and referred to committee on roads.

Mr. Dittimore moved that the committee on banks and public printing be authorized to employ a clerk who shall serve both committees.

Which was agreed to.

Mr. Dwiggins moved to suspend the order of business and take up the concurrent resolution of the House with regard to adjournment.

Which motion was agreed to.

Mr. Dwiggins moved to amend by inserting the words "Senate and" before the word "House."

Mr. Brown moved to refer the resolution to a committee of three.

Which motion was agreed to.

The President announced the following as the committee: Messrs. Brown, Rosebrugh and Dwiggins.

Mr. Steele moved that the committee be required to report instanter.

Which motion was agreed to.

Mr. Dwiggins moved to suspend the order of business, and take up House Bills on their first reading.

Which motion was agreed to.

## HOUSE BILLS ON FIRST READING.

Engrossed House Bill No. 7. A bill providing that justices of the peace shall have exclusive original jurisdiction in certain cases of misdemeanors, and repealing all laws in conflict with this act.

Was read a first time.

Engrossed House Bill No. 27. A bill concerning interest on judgments.

Was read a first time.

Engrossed House Bill No. 32. A bill to fix the time of holding the Court of Common Pleas, in the Sixteenth Judicial District, and repealing all laws in conflict therewith.

Was read a first time.

Mr. Gregg moved to return to the regular order of business.

Which motion was agreed to.

## SENATE BILLS ON SECOND READING.

Senate Bill No. 18. A bill repealing an act, entitled, "An act authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same," approved May 4, 1869, also repealing an act authorizing the construction of plank, macadamized and gravel roads, approved March 11, 1867.

Was read a second time by title, and referred to the committee on the judiciary.

Mr. Brown, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the concurrent resolution, proposed by the House of Representatives, upon the subject of an adjournment of the General Assembly, beg leave to submit that the committee have had the same under consideration, and submit the following amendment:

Strike out the words "the House," and insert in lieu thereof,



“each House of the General Assembly of the State of Indiana,” and that when so amended, the resolution ought to pass.

Which report was concurred in.

The question recurring on the adoption of the resolution as amended.

Mr. Steele moved to amend by striking out the word “consenting.”

Which motion was agreed to, and the resolution as amended adopted.

On motion by Mr. Brown,

The Senate adjourned.

## TUESDAY MORNING.

NOVEMBER 26, 1872, 10 O'CLOCK.

The Senate met.

Prayer was made by Rev. Dr. Black, President of the Northwestern Christian University.

The Journal of yesterday was read and approved.

## PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Winterbotham presented a memorial from citizens of Laporte county, praying for the repeal of all laws for the organization of the Kankakee Draining Company, and amendatory thereto.

Which, on motion, was referred to committee on swamp lands.

Mr. Taylor presented a memorial from the trustees of Purdue University, asking an appropriation of the sum of one hundred thousand dollars.

Referred to committee on education.

Mr. Hubbard presented a memorial on the subject of the Kankakee Draining Association, and praying for the repeal of all laws organizing said association, and amendatory thereto.

Which was referred to the committee on corporations.

The President laid before the Senate a communication from Hon. Thomas Dowling, resident trustee, on behalf of the bondholders of the Wabash and Erie Canal, endorsing a memorial from the holders of Indiana canal certificates, to the General Assembly.

Mr. Chapman moved to refer the memorial to the committee on the judiciary.

Mr. Dwiggins moved to indefinitely postpone the consideration of the subject matter of the memorial.

The committee on education was authorized to employ a clerk.

Mr. Orr, by unanimous consent, offered the following resolution:

*Resolved*, That the committee on county and township business be authorized to employ a clerk for said committee, and said clerk to also act for the committee on roads.

Which resolution was adopted.

#### SPECIAL ORDER.

At 12 o'clock M., pursuant to a concurrent resolution, and in obedience to an act of Congress, the Senate, by an open *viva voce* vote, proceeded to name one person for Senator in the Congress of the United States, for the State of Indiana, to serve for the term of six years, from and after the fourth day of March, in the year of our Lord one thousand eight hundred and seventy-three.

Nominations being first in order, Mr. Taylor put in nomination Hon. Oliver P. Morton, of Marion county, for that office.

Mr. Dittamore put in nomination Hon. James D. Williams, of Knox county, for the office.

There being no further nominations, the Secretary proceeded to call the roll.

*Those who voted for Oliver P. Morton were, Messrs.*

Beardsley,	Gooding,	Orr,
Beeson,	Haworth,	Rhodes,
Brown,	Hough,	Scott,
Bunyan,	Howard,	Sleeth,
Chapman,	Hubbard,	Steele,
Collett,	Miller,	Taylor,
Daggy,	Neff,	Thompson,
Dwiggins,	O'Brien,	Wadge,
Friedley, of Scott,	Oliver,	Mr. President—27.

*Those who voted for James D. Williams, were, Messrs.*

Armstrong,	Dougherty,	Ringo,
Beggs,	Dittemore,	Rosebrugh,
Bird,	Francisco,	Sarnighausen,
Boone,	Glessner,	Slater,
Bowman,	Gregg,	Smith,
Carnahan,	Hall,	Stroud,
Cave,	Harney,	Winterbotham—21.

Whole number of votes cast forty-eight (48.)

Necessary to a choice twenty-five (25.)

Hon. Oliver P. Morton having received a majority of all the votes cast, was declared by the President, the choice of the Senate for the office of Senator in Congress for the term of six years, from and after the 4th day of March, A. D. 1873.

Mr. Taylor offered the following :

*Resolved, by the Senate, the House concurring therein, That both Houses meet in joint convention in the Hall of the House of Representatives at 12 o'clock meridian, on to-morrow, to compare and announce the vote for United States Senator in compliance with the law of Congress.*

Which resolution was adopted.

On motion by Mr. Dwiggins,

The Senate took a recess until 2 o'clock P. M.

TUESDAY, NOVEMBER 26, 2 O'CLOCK.

The Senate reassembled.

By unanimous consent

Mr. Taylor offered the following resolution :

WHEREAS, The National Cattle Breeders' Association will assemble in the city on to-morrow, and as a number of distinguished gentlemen, members of said association, are now in the city, therefore,

*Be it Resolved by the Senate,* That the members of said body are hereby cordially invited to visit the Senate at their convenience, during their stay in the city.

Which resolution was adopted.

Message from the House, by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following joint resolution and engrossed House bills to wit:

House Joint Resolution No. 3. A joint resolution instructing our Senators and requesting our Representatives in Congress to secure the passage of a law to equalize the bounties of the soldiers and seamen of the United States, in the war of the rebellion.

House Bill No. 8. A bill to prevent hunting and shooting on inclosed lands without the consent of the owner or occupant thereof, and providing a penalty therefor.

House bill No. 26. A bill to amend section nine of an act entitled "An act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases, approved, June 9, 1852, and repealing all laws and parts of law in conflict therewith.

House Bill No. 37. A bill authorizing an appropriation of money out of the State treasury for the use of the Indiana University, located at Bloomington, Monroe county, in paying debts created by borrowing money for current expenses in the years 1870 and 1871.

House Bill No. 49. A bill creating the Twenty-second judicial circuit of Indiana, and fixing the time of holding Circuit Courts therein.

House Bill No. 50. A bill to amend the fifth section of an act entitled "An act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs, approved, March 16, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act for the protection of sheep, approved, March 15,

1862, prescribing the duties of township trustees in relation thereto, and adding an additional section, and declaring an emergency.

House Bill No. 69. A bill in relation to the settlements of supervisors of highways with township trustees, defining the time for settlement.

House Bill No. 72. A bill in relation to criminal Circuit Courts, and to create the Twenty-ninth Indiana Circuit, providing for the appointment and election of a judge and prosecuting attorney therein, and providing compensation thereof, declaring the jurisdiction of said court, and providing for transfer of actions thereto.

House Bill No. 95. A bill authorizing cities and towns incorporated under the authority of the State of Indiana, to make and adopt a survey and the plat thereof, when there is no sufficient survey and plat thereof, and to authorize such cities and towns to adopt any survey and plat thereof already made, and declaring an emergency.

House Bill No. 98. A bill to make certain specific appropriations therein mentioned.

House Bill No. 119. A bill in relation to organizing the two Houses of the General Assembly, and defining certain duties of certain officers in relation thereto, and declaring an emergency.

House Bill No. 81. A bill to amend sections 2, 3, 4 and 6 of an act entitled "An act to provide for the relocation of county seats, and for the erection of public buildings in counties in case of such relocation," approved March 2, 1855; and to amend section 2 of an act amendatory of said act, approved December 18, 1865, and to amend section 2 of an act amendatory of said act, approved February 24, 1869.

I am also directed to inform the Senate that the House has concurred in the Senate's amendment to the concurrent resolution of the House, providing for an adjournment of the two Houses on to-morrow (Wednesday) until Monday next at two o'clock p. m.

I am also directed to inform the Senate that the House has passed the following concurrent resolution of the Senate, to-wit:

*Resolved*, By the Senate, the House concurring therein, that both Houses meet in joint convention in the hall of the House of Representatives at 12 o'clock meridian, on to-morrow, to compare and announce the vote for United States Senator, in compliance with the law of Congress.

The Senate resumed the consideration of the memorial of the holders of canal certificates.

The question being on the motion by Mr. Dwiggins to indefinitely postpone the further consideration of the memorial,

Mr. Brown moved that the memorial do lie on the table.

Which motion was agreed to.

The President laid before the Senate a communication from the Common Council of the city of Indianapolis, giving their consent to the vacation of certain portions of Market and Wabash streets, for the purpose of enlarging the State House grounds, and certain other matters pertaining thereto.

Which was referred to the committee on public buildings.

The President also laid before the Senate the following communication from the Auditor of State:

STATE OF INDIANA, OFFICE OF AUDITOR OF STATE, }  
INDIANAPOLIS, November 26, 1872. }

HON. GEORGE W. FRIEDLEY,

*President of the Senate :*

In compliance with a resolution of the Senate requesting information as to the amount of the Swamp Land Fund, I have to state that there is in the treasury, at this date, the sum of \$38,203.82.

Very respectfully,

JOHN C. SHOEMAKER, Auditor.

Mr. Dwiggins moved to refer the communication to the committee on finance.

Which motion was agreed to.

Mr. Williams presented the following claim and accompanying resolution :

<i>The State of Indiana to Wm. A. Bonham,</i>	<i>Dr.</i>
To five days' services in organizing Senate, regular session,	
1871 .....	25 00
To mileage, 148 miles, @ 20 cents.....	29 60
	<hr/>
	\$54 60

*Resolved*, That the President of the Senate be instructed to draw his warrant for \$54.60, in favor of the said Wm. A. Bouham.

Mr. Dittmore moved that the resolution allowing said claim be adopted.

Which motion was agreed to.

Mr. Sleeth, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee to whom was referred

Senate Bill No. 14. An act to amend section 5 of an act entitled "An act concerning mortgages," approved May 4, 1852, report that they have had the said bill under consideration, and I am directed by said committee to return said bill with the recommendation that it do pass.

Which report was concurred in.

Mr. Steele, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee to whom was referred Senate Bill No. 17. A bill to amend section 2 of an act approved March 11, 1861, to amend section 10 of an act providing for the election and qualifications of justices of the peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852, report that they have had said bill under consideration, and recommend that the same be indefinitely postponed.

Mr. Williams offered the following amendment to the report :

Amend by striking out the words "indefinitely postponed," and inserting the words "lay on the table."

Mr. Brown moved to lay the amendment on the table.

Which motion was not agreed to.



The question recurring on the adoption of the amendment,  
It was agreed to.

The question being on concurring in the report as amended,  
It was agreed to.

Mr. Orr, from the committee on claims made the following report:

MR. PRESIDENT:

The committee on claims have taken under consideration the claim in favor of W. H. Sherman, for draping the Senate chamber in honor of J. W. Burson, and request me to report the same back to the Senate, with the recommendation that the claimant be allowed \$20.00.

Mr. Dwiggins moved the following amendment:

Adding thereto these words "and the President of the Senate be requested to properly certify the same for payment."

Which motion was agreed to.

Mr. Hough moved to amend by striking out the word "twenty," before the word "dollars," and inserting in lieu thereof the word "fifteen."

Mr. Orr moved to lay the amendment on the table.

The question being on the motion of Mr. Orr.

Messrs. Dittemore and Daugherty demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Hall,	Slater,
Beardsley,	Hubbard,	Sleeth,
Beeson,	Neff,	Steele,
Carnahan,	O'Brien,	Taylor,
Chapman,	Oliver,	Thompson,
Collett,	Orr,	Wadge,
Daggy,	Rhodes,	Mr. President—23.
Dwiggins,	Scott,	

*Those who voted in the negative were, Messrs.*

Beggs,	Francisco,	Miller,
Bird,	Friedley, of Scott.	Ringo,
Boone,	Glessner,	Rosebrugh,
Bowman,	Gregg,	Sarnighausen,
Brown,	Harney,	Smith,
Bunyan,	Haworth,	Stroud;
Cave,	Hough,	Williams,
Daugherty,	Howard,	Winterbotham—25.
Dittemore,		

So the motion to lie on the table was not agreed to.

The question being on the adoption of the amendment to strike out "twenty dollars" and insert "fifteen dollars,"

It was not agreed to.

The question recurring on the adoption of the report of the committee, as amended by the motion of Mr. Dwiggins,

It was agreed to.

Mr. Orr, from the committee on claims, made the following report:

**MR. PRESIDENT:**

The committee on claims, to whom was referred the claim of the "People" for \$39.56 for furnishing newspapers, wrapped and stamped, to the Senate, having had the same under consideration, the committee recommend that the bill be not allowed.

Which report was concurred in.

Mr. Friedley, of Lawrence, asked and obtained leave to have two hundred copies of a bill printed for the purpose of introducing it.

Mr. Steele moved to suspend the order of business that he might introduce a bill.

Which motion was agreed to.

Mr. Steele introduced,

Senate bill No. 85. A bill to protect the Wabash and Erie Canal, and the tolls and revenues thereof, from sale or sequestration for the satisfaction of the lien of certain bonds or stocks of the State issued prior to the transfer of the said Canal to the present board of trustees thereof, and to provide for the satisfaction of said bonds or stock.

Was read a first time.

Mr. Steele moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and the bill read a second time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Friedley, of Scott,	Ringo,
Beeson,	Glessner,	Rosebrugh,
Beggs,	Gooding,	Sarnighausen,
Bird,	Gregg,	Scott,
Boone,	Hall,	Sleeth,
Brown,	Harney,	Slater,
Bowman,	Haworth,	Smith,
Bunyan,	Hough,	Steele,
Carnahan,	Howard,	Stroud,
Cave,	Hubbard,	Taylor,
Chapman,	Miller,	Thompson,
Collett,	Neff,	Wadge,
Daggy,	O'Brien,	Williams,
Daugherty,	Oliver,	Winterbotham,
Dwiggins,	Orr,	Mr. President—47.
Francisco,	Rhodes,	

No Senator voting in the negative.

So the rule was suspended and the bill was read a second time by title, and ordered to lie on the table, and 200 copies ordered printed.

Mr. Hubbard, from the committee on corporations made the following report :

MR. PRESIDENT :

The committee on corporations to whom was referred Senate Bill No. 2, recommend that the same be amended as follows, after the word "deposit" in the sixth line of section one, insert the following words: "with such rights and powers as are named in this act" After the word "bullion" in the thirty-third line of section four, strike out the words "loan money, and negotiate and discount promissory notes, drafts, bills of exchange and other evidences of debt," and in lieu thereof insert the following: "And may loan money, negotiate, sell and guarantee such loans, and promissory notes, bonds, drafts, bills of exchange and other evidences of debt, and any securities thereof; and may become and act as the trustee for the same, as fully as private persons may." After the word "responsible" in the fourth line of section thirteen, strike out the words "equally ratably, and not one for another."

The sections in their respective numbers be inserted in the bill, section sixteenth.

It shall be the duty of the president and cashier of every association organized under this act, to annually make out a sworn statement of the financial condition of such association, and cause the same to be published for two weeks in a newspaper printed and published in the county where such association has its principal place of business, if a newspaper be printed in such county; if no paper be printed in such county, then they shall cause such statement to be published in a newspaper printed nearest the place where such association has its principal office."

Section 17. "Any person who shall fail or refuse to comply with the provisions of section 16 of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars and not exceeding one thousand dollars; that section 16 of this bill be numbered 18 in its order; that with the above amendments your committee would respectfully recommend the passage of the bill.

Which report was concurred in.

Mr. Thompson, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on phraseology and arrangement of bills and enrolled bills, to whom was referred Senate Bill No. 65, an act granting the consent of the State of Indiana to the purchase by the United States of certain lands for the purpose of the erection of a public building at Indianapolis, and ceding jurisdiction of the same, have had the same under consideration, and have duly compared the engrossed bill with the original bill, and find it correctly engrossed.

Mr. Collett, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on phraseology and arrangement of bills and engrossed bills have examined engrossed Senate Bill No. 82, an act to amend section 9 of an act entitled "An act to provide for electing electors for President and Vice President of the United States," approved May 20, 1852, and declaring an emergency, and direct me to report that they find it properly and correctly engrossed.

Mr. Smith, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on phraseology and management of bills to whom was referred engrossed

Senate Bill No. 8. Being an act entitled "An act providing for the holding of courts in the Twenty-fifth Common Pleas District of the State of Indiana," have carefully compared the same with the original copy thereof and find it correctly engrossed.

Mr. Hall, from the committee on enrolled bills, made the following report :

MR. PRESIDENT:

The committee on phraseology and arrangement of bills and enrolled bills have had Senate joint resolution No. 1, "A joint resolution in regard to the improvement of the Ohio and Wabash rivers and their tributaries," under consideration, and direct me to report that they find the same properly and correctly enrolled.

Mr. Hubbard, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate Bill No. 15, entitled an act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings and pay debts contracted therefor, etc., and to authorize the levy and collection of an additional special school tax for the payment of such bonds, etc., and declaring an emergency, would respectfully report that they have had the same under consideration, and recommend that the bill do pass.

Which report was concurred in.

Mr. Hubbard, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate Bill No. 5, entitled an act to require railroad companies to issue stock paid for by taxes voted in aid of the construction of their railroad to the tax payers or their assigns, and to issue unclaimed stock for the benefit of the common school fund, would respectfully report that they have had the same under consideration, and recommend that the same do pass.

Which report was concurred in.

Mr. Hubbard, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate Bill No. 32, entitled, a bill to legalize the sale of seminary lands in Jasper county, to Marion L. Spitler and Margaret Stockhouse, and directing how the proceeds of said sale shall be applied, and declaring an emergency," have had the same under consideration, and recommend that the bill do pass.

Which report was concurred in.

Mr. Hubbard, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate Bill No. 2, entitled, a bill to amend the 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 sections of an act, entitled, an act to incorporate the town of Bluffton, approved February 12th, 1851, and also to repeal section 11 of said act, would respectfully report that they have had the same under consideration, and recommend its passage.

Which report was concurred in.

Mr. Steele asked and obtained leave of absence until Monday next at 10 A. M.

On motion by Mr. Dwiggins,  
The Senate adjourned.

## WEDNESDAY MORNING.

NOVEMBER 27, 1872, 10 O'CLOCK.

The Senate met.

Prayer was made by Rev. Mr. Hunting, of the Unitarian Church.

Pending the reading of the Journal,

On motion by Mr. Brown,

The further reading thereof was dispensed with.

Mr. Brown moved that the order of business be suspended, that he might make reports from the committee on the judiciary.

Which motion was agreed to.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 36, entitled, "An act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children; repealing an act regulating the same, approved May 6th, 1852, and declaring an emergency," have directed me to make the following report:

A majority of the committee herewith submit a substitute for said bill, a bill, entitled, "An act to amend sections 15 and 17 of an act, entitled, "An act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children, approved May 6, 1852," and recommend that said bill be substituted and passed in lieu of Senate Bill No. 36, and that Senate Bill No. 36 be laid on the table.

Said amendment is as follows:

Be amended as follows: "Such court shall, on such verdict and judgment, make such order as may seem just, for securing such



maintenance and education to such bastard child, by the annual payment to such mother, or if she be dead, or an improper person to receive the same, to such other person as the court may direct, of such sums of money as may be adjudged proper, and shall render judgment for the same, specifying the terms of payment, and shall require of such defendant, if he be in custody, to replevy such judgment by good freehold security, or in default thereof, shall commit such defendant to jail, until such security be given, and if such court shall direct that such sums of money shall be paid to any person other than the mother of such bastard child, such court shall require such person to give bond and security that such person will properly and faithfully expend such sums of money for the proper maintenance and education of such bastard child."

Section 2. Amended as follows: "The prosecuting witness may, with the consent of the court wherein said prosecution is pending, at any time before final judgment, dismiss such suit if she will enter a record in such court an admission that provision for the education and maintenance of the bastard child has been made to her satisfaction. The amount of the provision made, the time when it was or is to be paid, and the kind of security for its payment, shall be entered upon the records of the court, together with the admission of the prosecuting witness; and if the court shall deem it sufficient for the proper education and maintenance of the bastard child, such court shall cause such suit to be dismissed, and such entry shall be a bar to all other prosecutions for the same cause and purpose. But if said court shall not deem it sufficient for the purposes aforesaid, said suit shall be heard and determined as if no offer had been made by the prosecuting witness to dismiss said suit."

Messrs. Taylor and Boone asked and obtained leave of absence for the remainder of this day.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House Bill No. 22, entitled an act to amend the first section and the title of an act approved March 4, 1865, and entitled "An act for the completion of unfinished business of any session of the General

Assembly by the next succeeding special session of the same General Assembly," have had the same under consideration, and have directed me to report the bill back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report :

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 28, entitled a bill to amend section one of an act entitled "An act providing for the completion of the unfinished business of any session of the General Assembly by the next succeeding special session of the same General Assembly," have had the same under consideration, and have directed me to return the bill to the Senate, with a recommendation that it be laid on the table.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report :

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 16, entitled "a bill authorizing suits to be brought in the partnership names only, in certain cases, and declaring the effect thereof," have had the same under consideration, and have directed me to make the following report:

The committee herewith submit, as a substitute for said bill, a bill entitled "An act authorizing suits to be brought in the partnership name against individual partners, and declaring an emergency," and recommend that said bill be substituted and passed in lieu of Senate Bill No. 16, and that Senate Bill No. 16 be laid on the table.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 20, entitled "An act relating to the sale of real estate on execution, owned by husband and wife," have had the same under consideration, and have directed me to return the bill to the Senate, with a recommendation that it be laid on the table.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred Senate Bill No. 19, entitled "A bill amending an act regulating the granting of divorces, and nullification of marriages, and decrees and orders of courts incident thereto," have had the same under consideration, and direct me to make the following report: A majority of the committee recommend that the bill be laid on the table.

Which report was concurred in.

Mr. Thompson presented a memorial from the Adjutant General of the State of Indiana, praying compensation for certain extraordinary services.

Which was referred to the committee on claims.

Mr. Bowman, from a select committee, made the following report:

MR. PRESIDENT:

The select committee of five to whom was referred Senate Bill No. 50, An act to correct and define more correctly the boundary line between the counties of Washington and Clark, and declaring an emergency, have had the same under consideration and direct me to recommend that the bill do pass.

Which report was concurred in.

Mr. Brown moved to suspend the order of business and take up bills on their second reading.

Which motion was agreed to.

## BILLS ON SECOND READING.

Senate Bill No. 83. An act defining the offense of libel, making the same a misdemeanor, and prescribing the punishment thereof.

Was read a second time by title and referred to the committee on the judiciary.

Senate Bill No. 84. A bill to protect the citizens of the State of Indiana from empiricism and to elevate the medical profession.

Was read a second time by title and referred to the committee on the rights and privileges of the inhabitants of the State.

House Bill No. 7. A bill providing that Justices of the Peace shall have exclusive original jurisdiction in certain cases of misdemeanors, and repealing all acts in conflict with this act.

Was read a second time by title, and referred to the committee on the judiciary.

House Bill No. 27. A bill concerning interest on judgments.

Was read a second time by title, and referred to the committee on the judiciary.

House Bill No. 32. A bill to fix the time of holding the Court of Common Pleas in the Sixteenth Judicial District, and repealing all laws in conflict therewith.

Was read a second time by title, and referred to the committee on the organization of courts.

By unanimous consent Mr. Rhodes introduced

Senate Bill No. 86. An act to amend the first section of an act entitled "An act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings, and pay debts contracted for said buildings, and authorizing the levy and collection of an additional special school tax for the payment of principal and interest of such bonds," approved March 11, 1867, and declaring an emergency.

Was read a first time.

Mr. Glessner moved that the committee on corporations be required to report back Senate Bill No. 31.

Which motion was not agreed to.

Message from the Governor, by Mr. Commons, his Private Secretary.

MR. PRESIDENT:

By order of the Governor I have the honor to transmit herewith a communication, accompanied by the annual reports of the Trustees and Superintendent of the Institution for the Education of the Deaf and Dumb.

HON. G. W. FRIEDLEY,

*President of the Senate,*

I herewith respectfully transmit through you to the Senate, the annual report of the Trustees and Superintendent of the Institution for the Education of the Deaf and Dumb, and respectfully suggest the passage of a concurrent resolution authorizing the printing of five thousand copies of the report; three thousand thereof for the use of the members of the General Assembly, and two thousand thereof for the use of the Superintendent of the Institution, as provided for by section 19 of the act to provide for the government and support of the Institution, approved June 14, 1852, (1st Gavin & Hord, page 289).

CONRAD BAKER.

By unanimous consent Mr. Gooding introduced

Senate Bill No. 87. An act granting the consent of the State of Indiana to the purchase by the United States of certain lands, for the purpose of the erection of a public building at Evansville, and ceding jurisdiction over the same.

Was read a first time.

Mr. Dwiggins moved to suspend the order of business, and take up Senate Bill No. 8.

Which motion was agreed to.

Senate Bill No. 8. An act providing for the holding of courts in the Twenty-fifth Common Pleas District of the State of Indiana.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Francisco,	Orr,
Beardsley,	Friedley, of Scott,	Rhodes,
Beeson,	Glessner,	Ringo,
Bird,	Gooding,	Rosebrugh,
Boone,	Gregg,	Sarnighausen,
Bowman,	Hall,	Scott,
Brown,	Harney,	Slater,
Bunyan,	Haworth,	Sleeth,
Carnahan,	Hough,	Smith,
Cave,	Howard,	Stroud,
Chapman,	Hubbard,	Thompson,
Collett,	Miller,	Wadge,
Daugherty,	Neff,	Williams,
Dittemore,	O'Brien,	Winterbotham,
Dwiggins,	Oliver,	Mr. President—45.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Dwiggins moved to amend by adding the words "and declaring an emergency."

Which motion was agreed to.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

Ordered that the Secretary inform the House of the passage of the bill.

Message from the House, by Mr. Nixon, clerk thereof:

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled act of the House of Representatives, to wit.:

Enrolled Joint Resolution No. 5, House of Representatives. A joint resolution instructing our Senators and requesting our Representatives to vote against any measure in Congress to divide the State into two or more judicial districts.

Which is herewith transmitted to the Senate for the signature of the President thereof.

Mr. Brown moved to suspend the order of business, and proceed to the introduction of bills.

Mr. Neff moved that the motion do lie on the table.

Which motion was agreed to.

The President announced that he had signed the following enrolled act of the House of Representatives, to wit:

Enrolled Joint Resolution No. 5. Entitled a joint resolution instructing our Senators and requesting our Representatives to vote against any measure in Congress to divide the State into two or more judicial districts.

Mr. Daugherty moved to suspend the order of business, and take up Senate Bill No. 2.

Mr. Gooding moved the motion do lie on the table.

Which motion was agreed to.

Senators Bowman and Bunyan asked and obtained leave of absence until Tuesday next.

Messrs. Miller, Sarnighausen, Hough, Dittemore, and Gooding asked and obtained leave of absence indefinitely.

Mr. Beeson, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the claim for \$175, in favor of George F. B. Carr, for clerking on the committee on elections and claims, at the last regular session of the Legislature, have taken the same under consideration, and return the same to the Senate, and recommend that it be indefinitely postponed.

Which report was laid on the table.

Mr. Neff, from committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the claim for \$199, in favor of John Sarnighausen, for his expenses incurred in defending his seat when contested by Ochmig Bird, at the last regular session of the Legislature, have taken the same under consideration, and return the same, and recommend that it be allowed.

And the committee recommend that the President order a warrant to be issued on the State Treasurer for the same.

Mr. Orr moved to recommit the claim to the committee on claims to enable Bird, the contestant, to file his claim for same contest.

Which motion was agreed to.

Mr. Dittmore offered the following:

*Resolved*, That the Senate committee on military affairs, for the session of 1871 be allowed the sum of \$30 each to reimburse said committee for their actual expense in visiting the National Soldiers' Home, at Dayton, Ohio, under an order of the Senate, and that the President of the Senate be authorized to draw his warrant for such sum to the members of said committee.

On motion by Mr. Collett

The resolution was referred to the committee on claims.

Mr. Slater offered the following:

WHEREAS, It has been a matter of repeated allegations upon the part of the public prints that during the period when W. R. Holloway, Samuel M. Douglass and Alexander H. Conner were State



Printers, it became and was the practice and custom of said State Printers, to file false and forged vouchers with the Auditor of State for the false and pretended purchase of paper for the use of the State; that under such "raised," false, and fraudulent vouchers the State was defrauded out of large sums of money, a portion only of which has been reimbursed to the Treasury of the State, and, whereas, the evidence of said frauds, so perpetrated upon the State Treasury, will aid in a knowledge of facts necessary for the legislation required to recover said sums of money, and effectually prohibit the repetition of such offenses in the future, therefore be it

*Resolved*, That the President of the Senate appoint a special committee of five members of the Senate with powers to send for persons and papers to investigate said charges and report the result of their investigations, together with the evidence elicited therein, to the Senate, for its action.

On motion,

The resolution was referred to the committee on public printing.

Mr. Sleeth offered the following:

WHEREAS, by section 2 of an act, entitled, "An act to provide for the election of a reporter, and speedy publication of the decisions of the Supreme Court, and for the compensation of such reporter," approved February 5, 1852, it was made the duty of such reporter to cause to be printed and published, all decisions of said court, within six months from the end of the term at which they shall have been made, and

WHEREAS, It appears from the 34th volume, (the last one published,) that the same only contains such decisions made up to the close of the November term, 1870, therefore,

*Resolved*, That the said reporter be, and is hereby requested to give the Senate, as soon as possible, information on the following matters:

1. The number of decisions made by said court, at the November term, 1870, and including all the decisions made at the May term, 1872, and not included in volume 34.
2. The number of volumes of the average size of said reports

the same will make when published, as near as he can estimate the same.

3. The reason why the same have not been heretofore printed and published as required by said section of said act, above referred to.

Which resolution was adopted.

Mr. Hough offered the following :

*Resolved*, That the Secretary of the Senate be instructed to inquire into the cause of the delay in printing the Governor's message, and to adopt such measures as will secure the immediate printing and distribution of the same to the members of the Senate.

Which resolution was adopted.

Mr. Scott offered the following :

*Resolved*, That the committee on public buildings be, and they are hereby directed to inquire whether any and what repairs can be made to improve the ventilation of the Senate Chamber, and they are hereby authorized to employ a competent mechanic to examine the condition of the means employed for ventilation, and are directed to report the result of such examination, with such suggestions for repair or improvement as the committee may deem proper and expedient, for the consideration of the Senate.

Which resolution was adopted.

Mr. Thompson offered the following :

*Resolved*, By the Senate, the House concurring, that five thousand copies of the report of the Trustees and Superintendent of the Institution for the education of the deaf and dumb, be printed, and three thousand thereof be printed for the use of the members of the General Assembly, and two thousand for the use of the Superintendent of the Institution in accordance with the recommendation of the Governor's message.

Message from the House, by Messrs. Kimball and Canthorn, members thereof:

MR. PRESIDENT:

We are directed by the House of Representatives to announce to

the Senate that the hour of 12 o'clock, meridian, has arrived, being the hour fixed by concurrent vote of the two Houses of the General Assembly, for the meeting of the two Houses in joint convention for the purpose of comparing the vote for United States Senator and declaring the result, and that we are here to escort the Senate to the hall of the House for that purpose.

The Senate, preceded by the President, and escorted by said committee of the House, proceeded to the hall of the House of Representatives.

#### JOINT CONVENTION OF THE TWO HOUSES OF THE GENERAL ASSEMBLY.

The joint convention was called to order by the President of the Senate.

The journals of the Senate and House of Representatives of yesterday were read by the secretary and clerk respectively, showing that for the office of Senator in Congress,

#### IN THE SENATE,

Hon. Oliver P. Morton received.....	27 votes
Hon James D. Williams received.....	21 votes
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Whole number of votes.....	48.
Necessary to a choice.....	25 votes

#### IN THE HOUSE OF REPRESENTATIVES,

Hon. Oliver P. Morton, for the office of Senator in Congress, received.....	54 votes
Hon. James D. Williams received.....	41 votes
<hr/>	
Whole number of votes cast.....	95.
Necessary to a choice.....	48.

#### AGGREGATE VOTE OF THE TWO HOUSES.

On the part of the Senate, Hon. Oliver P. Morton received.....	27 votes
On the part of the House.....	54 votes
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Total votes for Oliver P. Morton.....	81.
On the part of the Senate, Hon. James D. Williams received.....	21 votes
On the part of the House.....	41 votes
<hr/>	
Total vote for James D. Williams.....	62

The President of the Senate then, in presence of both Houses, declared that the Hon. Oliver P. Morton, having received a majority of all the votes of each House of the General Assembly, is duly elected a Senator in Congress for the term of six years from and after the 4th day of March, 1873.

The President then announced that the business for which the two Houses had been convened in joint convention having been concluded, he declared the joint convention adjourned without day.

The Senate re-assembled.

Mr. Thompson moved the adoption of the concurrent resolution pending previous to the joint convention.

Which motion was agreed to.

Mr. Rhodes moved that the Senate take a recess until 2 o'clock P. M.

Mr. Gregg moved to adjourn.

The ayes and noes were demanded by five Senators.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Francisco,	Rosebrugh,
Bird,	Gregg,	Sarnighausen,
Chapman,	Harney,	Williams,
Daugherty,	Ringo,	Mr. Winterbotham-13.
Dittemore,		

*Those who voted in the negative were, Messrs.*

Beeson,	Gooding,	Orr,
Beardsley,	Hall,	Rhodes,
Boone,	Haworth,	Scott,
Bowman,	Hough,	Slater,
Bunyan,	Hubbard,	Sleeth,
Cave,	Howard,	Smith.
Collett,	Miller,	Stroud,
Daggey,	Neff,	Thompson,
Friedley, of Scott,	O'Brien,	Wadge,
Glessner,	Oliver,	Mr. President—30.

So the motion was not agreed to.

Mr. Dittimore moved a call of the Senate.

Mr. Hall moved that the motion do lie on the table.

Messrs. Dittimore and Daugherty demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Harney,	Orr,
Boone,	Haworth,	Rhodes,
Bowman,	Hough,	Ringo,
Bunyan,	Howard,	Sarnighausen,
Francisco,	Hubbard,	Scott,
Friedley, of Scott.	Neff,	Sleeth,
Glessner,	O'Brien,	Stroud,
Gooding,	Oliver,	Thompson—25.
Hall,		

*Those who voted in the negative were, Messrs.*

Armstrong,	Daugherty,	Smith,
Bird,	Dittimore,	Wadge,
Cave,	Gregg,	Williams,
Chapman,	Miller,	Winterbotham,
Collett,	Rosebrugh,	Mr. President—17.
Daggy,	Slater,	

So the motion was agreed to.

Mr. Hall moved that the Senate take a recess until 2 o'clock P. M.

Mr. Dittimore moved to adjourn.

The ayes and noes being demanded by five Senators.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Dittimore,	Ringo,
Bird,	Francisco,	Rosebrugh,
Bowman,	Glessner,	Sarnighausen,
Cave,	Gregg,	Williams,
Chapman,	Miller,	Winterbotham,
Daugherty,	O'Brien,	Mr. President—18.

*Those who voted in the negative were, Messrs.*

Beardsley,	Haworth,	Scott,
Boone,	Hough,	Slater,
Bunyan,	Howard,	Sleeth,
Collet,	Hubbard,	Smith,
Daggy,	Neff,	Stroud,
Friedley, of Scott,	Oliver,	Thompson,
Gooding,	Orr,	Wadge—24.
Hall,	Rhodes,	

So the motion was not agreed to.

Mr. Thompson moved that the Senate take a recess until 2 o'clock P. M.

Which motion was agreed to.

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#### AFTERNOON SESSION, 2 O'CLOCK.

The Senate re-assembled,

#### INTRODUCTION OF BILLS.

Mr. Chapman introduced

Senate Bill No. 88. An act to authorize and encourage the construction of levees, dykes, drains and ditches, and the reclamation of wet and overflowed lands by incorporated associations and providing for the incorporation of such associations, and prescribing their powers, and providing for the assessment of the cost of such improvements, and the expenses attending the same, upon the lands benefitted thereby, and for the collection of such assessments.

Was read a first time.

Mr. Chapman moved that the constitutional rule requiring bills to be read on three several days be suspended, that the bill may be read a second time now.

The ayes and noes being taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Glessner,	Ringo,
Beardsley,	Gooding,	Rosebrugh,
Beeson,	Gregg,	Scott,
Bird,	Hall,	Slater,
Boone,	Haworth,	Sleeth,
Bowman,	Hough,	Smith,
Bunyan,	Howard,	Stroud,
Cave,	Hubbard,	Thompson,
Chapman,	Neff,	Wadge,
Collett,	O'Brien,	Williams.
Daggy,	Oliver,	Winterbotham,
Francisco,	Orr,	Mr. President—38.
Friedley, of Scott,	Rhodes,	

No Senator voting in the negative.

So the rule was suspended and the bill read a second time by title.

Mr. Chapman moved that the bill lie on the table, and 200 copies be printed.

Which motion was agreed to.

Mr. Gooding introduced

Senate Bill No. 89. A bill to provide for the issuing of a non-negotiable bond to the school fund for certain sums of money heretofore advanced by, or borrowed from said fund by the State.

Was read a first time.

Mr. Sleeth introduced

Senate Bill No. 90. A bill to amend section 24 of an act entitled "An act regulating descents, and the apportionment of estates," approved May 14, 1852, and declaring an emergency.

Was read a first time.

Mr. Orr introduced

Senate Bill No. 91. A bill declaring the real estate of married women liable for debts contracted by her, and for necessities furn-

ished her family, and for work and labor performed on such real estate, and declaring an emergency.

Was read a first time.

Mr. Hubbard introduced

Senate Bill No. 92. An act to amend section 16 of an act entitled "An act concerning real property and the alienation thereof," approved may 6, 1852,

Was read a first time.

Mr. Ringo introduced

Senate Bill No. 93. An act limiting the number of Grand and Petit Jurors in the courts of this State.

Was read a first time.

Mr. Thompson introduced

Senate Bill No. 94. An act concerning Homes for Friendless Women, the collection and payment of fines and forfeitures, and declaring an emergency.

Was read a first time.

Mr. Scott introduced

Senate Bill No. 95. A bill to protect rivers, streams or bodies of water, from which water is taken for the use of cities, towns, villages or benevolent institutions, and providing a penalty for violation thereof, and declaring an emergency.

Was read a first time.

Mr. Wadge introduced

Senate Bill No. 96. An act to encourage manufacturing in the State of Indiana, and allowing and legalizing conveyances of real estate, by and to foreign manufacturing companies, and declaring an emergency.

Was read a first time.

Mr. Collett introduced



Senate Bill No. 97. A bill to provide for the organization of an experimental school for the instruction of feeble minded children.

Was read a first time.

Mr. Collett introduced

Senate Bill No. 98. An act to prevent carrying concealed or dangerous weapons, and to provide punishment therefor.

Was read a first time.

Mr. Collett introduced

Senate Bill No. 99. A bill to authorize sureties upon notes, bills, bonds, or other instruments in writing who have been compelled to pay the same for their principals, interest on the amount paid by such sureties at the rate provided for in such original notes, bills, bonds, or other instruments in writing, held against such principals.

Was read a first time.

Mr. Daggy introduced

Senate Bill No. 100. A bill to amend sections 352 and 354 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts of this State, to abolish district forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction of law and equity," approved, June 18, 1852.

Was read a first time.

Mr. Collett introduced

Senate Bill No. 101. A bill concerning contracts between railroad companies within this State, for freight and passengers, and for the use of their roads.

Was read a first time.

Mr. Hubbard introduced

Senate Bill No. 102. An act to repeal all laws providing for the appraisement of property taken on execution or other final process.

Was read a first time.

Mr. Smith introduced

Senate Bill No. 103. An act to amend section 78 of an act entitled "An act to provide for a general system of common schools, the officers thereof and their respective powers and duties," and matters properly connected therewith, and to establish township libraries, and for the regulation thereof.

Was read a first time.

Mr. Orr introduced

Senate Bill No. 104. An act to repeal an act authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, approved May 14, 1869, and also authorizing companies who have organized and commenced work under the provisions of the above act, to perfect their assessments, and declaring an emergency.

Was read a first time.

Mr. Orr presented a claim in favor of the Indianapolis Commercial Company for the sum of \$40.50, for papers furnished the Senate, which,

On motion by Mr. Orr,

Was referred to the committee on claims.

Mr. Neff moved to suspend the order of business and take up Senate Bill No. 26.

Which motion was agreed to.

Mr. Neff moved to amend the report of the committee as follows :

"Amend the report of the committee that, instead of recommending that the bill be indefinitely postponed," that the bill be put upon its passage.

Mr. Glessner moved to lay the amendment on the table.

Which motion was agreed to.

Mr. Wadge offered the following :

*Be it resolved*, That the Doorkeeper be hereby instructed to furnish daily to the employes of the Senate a copy of the daily Journal and Sentinel.

Which resolution was adopted.

On motion by Mr. Glessner,

The Senate adjourned until Monday next at 2 o'clock, P. M.

## MONDAY AFTERNOON.

DECEMBER 2, 1872, 2 O'CLOCK.

The Senate met.

The Journal of Wednesday, November 27,  
Was read and approved.

Mr. Neff asked, and obtained for Mr. O'Brien, leave of absence indefinitely.

## RESOLUTIONS.

Mr. Gregg offered the following :

WHEREAS, The Senate has heard with deep sorrow and regret of the death of Hon. Horace Greeley, and,

WHEREAS, Wednesday, December 4th, is fixed for the performance of his obsequies, and,

WHEREAS, We recognize and fully appreciate the many valuable services he has rendered his country, therefore,

*Resolved*, That when the Senate adjourns on Tuesday afternoon, as a mark of respect to him, it adjourn to December 5th, at 10 o'clock A. M.

Mr. Sleeth offered the following :

*Resolved*, That the short-hand reporter of the Senate proceedings be supplied with such printed matter and stationery as may be allowed to members.

Which resolution was adopted.

Mr. Thompson presented a claim of Josselyn Bros. & Co. for rent of rooms, \$140.

Which was referred to the committee on claims without reading.

#### INTRODUCTION OF BILLS.

Mr. Taylor introduced

Senate Bill No. 105. A bill to authorize the Courts of Common Pleas to determine who the heirs, legatees or distributees of a decedent are, and to order partial distribution of his estate among such heirs, distributees or legatees, prior to the final settlement of his estate, and declaring an emergency.

Was read a first time.

Mr. Brown introduced

Senate Bill No. 106. Entitled an act to prescribe the qualifications of petit jurors in the several courts of this State.

Was read a first time.

Mr. Neff introduced

Senate Bill No. 107. Entitled an act to secure the valuation and taxation of new railroads.

Was read a first time.

Mr. Brown introduced

Senate Bill No. 108. A bill in relation to the qualifications of jurors in certain cases therein named.

Was read a first time.

Mr. Scott introduced

Senate Bill No. 109. An act to amend section 31 of "An act to provide for the organization of savings banks and the safe and proper management of their affairs," approved May 12, 1869, and declaring an emergency to exist.

Was read a first time.

Mr. Daggy introduced

Senate Bill No. 110. An act to repeal section eighteen, and to amend section twenty-four of an act entitled "An act regulating descents and the apportionment of estates," approved, May 14, 1852.

Was read a first time

Mr. Neff introduced

Senate Bill No. 111. A bill to amend section fifth of an act entitled "An act to secure a just valuation and taxation of all railroad property within this State; to legalize the valuation, assessment and payment of taxes for such property, made subsequent to the year 1859," and declaring an emergency.

Was read a first time.

Mr. Bird moved to suspend the order of business and take up

Senate Bill No. 23. A bill to authorize the Boards of Commissioners of the several counties of this State, to appropriate money to aid in putting and keeping in repair any canal running in, through or along, or by any such county.

Which motion was agreed to.

Mr. Bird moved the bill be referred to the committee on the judiciary.

Which motion was agreed to.

Mr. Neff presented the following claim :

<i>State of Indiana, to William Burres,</i>	<i>Dr.</i>
For rations furnished to Company "A," 84th Indiana Infantry, August, 1862.....	\$12.50
Interest for ten years.....	7.50
	<hr/>
	\$20.00

Which claim was referred to committee on claims without reading.

#### ENGROSSED HOUSE BILLS ON FIRST READING.

Engrossed House Bill No. 8. A bill to prevent hunting and

shooting on enclosed lands without the consent of the owner, or occupant thereof, and providing a penalty therefor.

Was read a first time.

Engrossed House Bill No. 26. A bill to amend section 9 of an act entitled "An act providing for the election of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852, and repealing all laws and parts of laws in conflict therewith.

Was read a first time.

Engrossed House Bill No. 37. A bill authorizing an appropriation of money out of the State Treasury for the use of Indiana University, located at Bloomington, Monroe county, in paying debts created by borrowing money for current expenses in the years 1870 and 1871.

Was read a first time.

Engrossed House Bill No. 49. A bill creating the Twenty-second Judicial Circuit of the State, and fixing the time of holding circuit courts therein.

Was read a first time.

Engrossed House Bill No. 50. A bill to amend the 5th section of an act entitled "An act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any provision of said act by officers and others, and also repealing an act to license dogs, approved March 16, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled 'An act for the protection of sheep,' approved March 15, 1862, prescribing the duties of township trustees in relation thereto, and adding an additional section, and declaring an emergency.

Was read a first time.

Engrossed House Bill No. 69. A bill in relation to the settlement of supervisors of highways with township trustees, defining the time for settlement.

Was read a first time.

Engrossed House Bill No 72. A bill in relation to criminal circuit courts, and to create the Twenty-ninth Judicial Circuit, providing for the appointment and election of a judge and prosecuting attorney therein, and providing compensation thereof, declaring the jurisdiction of said court, and providing for a transfer of actions thereto.

Was read a first time.

Engrossed House Bill No. 81. A bill to amend sections 2, 3, 4, and 6 of an act to provide for the relocation of county seats, and for the erection of public buildings in counties in cases of such relocation, approved March 2, 1855, to amend section two of an act amendatory of said act, approved December 18, 1863, and to amend section two of an act amendatory of said act, approved February 24, 1869.

Was read a first time.

Engrossed House Bill No. 95. A bill authorizing cities and towns incorporated under the authority of the State of Indiana to make and adopt a survey and plat thereof, and to authorize such cities and towns to adopt any survey and plat thereof already made, and declaring an emergency.

Was read a first time.

Engrossed House Bill No. 119. A bill in relation to organizing the two Houses of the General Assembly, and defining certain duties of certain officers in relation thereto, and declaring an emergency.

Was read a first time.

Mr. Brown, by unanimous consent, offered the following:

*Resolved*, That the Secretary of State be requested to furnish the Senate committee on railroads a certified copy of the act and the amendments thereto, incorporating the Indianapolis & Terre Haute railroad.

Which resolution was adopted.

Engrossed House Bill No. 98. A bill to make certain specific appropriations therein mentioned.

Was read a first time.



## SENATE BILLS ON SECOND READING.

Senate Bill No. 86. An act to amend the first section of an act entitled "An act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings, and pay debts contracted for erection of such buildings, and authorizing the levy and collection of an additional special school tax for the payment of principal and interest of such bonds," approved March 11, 1867, and declaring an emergency.

Was read a second time by title, and referred to the committee on education.

Senate Bill No. 87. An act granting the consent of the State of Indiana to the purchase by the United States, of certain lands for the purpose of the erection of a public building at Evansville, and ceding jurisdiction over the same.

Was read a second time by title, and referred to the committee on public buildings.

Senate Bill No. 89. A bill to provide for the issuing of a non-negotiable bond to the school fund, for certain sums of money heretofore advanced by or borrowed from said fund by the State.

Was read a second time by title, and referred to the committee on education.

Senate Bill No. 90. A bill to amend section 24 of an act entitled "An act regulating descents and apportionment of estates," approved May 14, 1852, and declaring an emergency.

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 91. An act declaring the real estate of married women liable for debts contracted by her and for necessities furnished her, and for work and labor performed on such real estate, and declaring an emergency.

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 92. An act to amend section 16 of an act concerning real property, and the alienation thereof.

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 93. An act limiting the number of grand and petit jurors.

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 94. An act concerning homes for friendless women, the collection and payments of fines and forfeitures, and declaring an emergency.

Was read a second time by title, and referred to the committee on benevolent institutions.

Senate Bill No. 95. An act to protect rivers and streams, and bodies of water, from which water is taken for the use of cities, towns, villages, or benevolent institutions, and providing a penalty for a violation, and declaring an emergency.

Was read a second time by title, and referred to the committee on the rights and privileges of the inhabitants of the State.

Senate Bill No. 96. An act to encourage manufacturing in the State, and legalizing conveyances of real estate.

Was read a second time by title, and referred to the committee on manufactures.

Senate Bill No. 97. A bill to provide for the organization of an experimental School, for the instruction of feeble minded children.

Was read a second time by title, and referred to the committee on benevolent institutions.

Senate Bill No. 98. An act to prevent carrying concealed or dangerous weapons, and to provide punishment therefor.

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 99. A bill to authorize sureties upon notes, bills, bonds, or instruments in writing, who have been compelled to pay the same for the principal, to collect of such principals interest on the amount paid by such sureties, at the rate provided for in such

original notes, bills, bonds, or other instruments in writing, held against such principals.

Was read a second time by title, and referred to the committee on banks.

Senate Bill No. 100. A bill to amend sections 352 and 354 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a second time by title, and referred to the committee on benevolent institutions.

Senate Bill No. 101. A bill concerning contracts between Railroad companies within this State for freight and passengers, and for the use of their roads.

Was read a second time by title, and referred to committee on railroads.

Senate Bill No. 102. An act to repeal all laws providing for the appraisalment of property taken on execution or other final process.

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 103. An act to amend section 78 of an act entitled "An act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters connected therewith, and establishing township libraries, and for the regulation thereof."

Was read a second time by title, and referred to the committee on the judiciary.

Senate Bill No. 104. A bill to repeal an act authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, approved May 14, 1869, and also authorizing companies who have organized and commenced work under the provisions of the above act, to perfect their assessment, and declaring an emergency.

Was read a second time by title, and referred to the committee on roads.

The President laid before the Senate the following communication :

STATE OF INDIANA,  
SUPREME COURT.

In response to Senate resolution, a copy of which is annexed hereto, the following statement has been prepared :

The number of causes on the docket of said Supreme Court on the first day of January, 1871, seven hundred ; number of causes filed and entered from the said date, January 1, 1871, to November 25, 1872, one thousand and forty-one ; number of causes decided and otherwise disposed of from said first day of January, 1871, to November 25, 1872, one thousand and seventy-five ; number of causes now on the docket and undisposed of, six hundred and eighty-eight.

I, the undersigned, Clerk of the Supreme Court of the State of Indiana, certify the foregoing to be a true statement of the condition of the docket of said court, as called for in said resolution.

Witness my name and the seal of said court, given this 27th day of November, 1872.

[L. S.]

CHARLES SCHOLL,  
Clerk of Supreme Court.

Which was read and referred to the committee on the organization of courts.

On motion of Mr. Cave the Senate adjourned.

## TUESDAY MORNING.

DECEMBER 3, 1872, 10 O'CLOCK.

The Senate met.

Prayer was made by Rev. Dr. Bayless, of the M. E. Church.

The Journal of yesterday was read and approved.

## PETITIONS, MEMORIALS, ETC.

Mr. Hubbard presented a memorial from citizens of St. Joseph county, in reference to the Kankakee Draining Company, and praying for the repeal of the law organizing said company.

Which memorial was read and referred to the committee on corporations.

Mr. Dwiggins presented a memorial from citizens of Stark and Jasper counties, on the same subject.

Which memorial was referred to the committee on corporations, without reading.

Mr. Winterbotham presented a memorial on the same subject.

Which memorial was referred to the committee on corporations, without reading.

## REPORTS FROM COMMITTEES.

Mr. Brown, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred House

Bill No. 7, entitled "A bill providing that Justices of the Peace shall have exclusive original jurisdiction in certain cases of misdemeanor and repealing all laws in conflict with this act," have had the same under consideration, and report the bill back to the Senate and recommend that the title be amended by striking out the words "a bill" and inserting in lieu thereof, the words "an act," also amend the first section of the bill by prefixing the words: "Be it enacted by the General Assembly of the State of Indiana" and when so amended that the bill should pass.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House Bill No. 27, entitled "An act concerning interest on judgments," have had the same under consideration, and have directed me to report the same back to the Senate with a recommendation that the title of the bill be amended by striking out the words "a bill" and inserting in lieu thereof the words "an act," and when so amended the bill should pass.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 76, entitled, "An act defining the law and crime of libel, and prescribing the punishment therefor, and declaring an emergency," have had the same under consideration, and report the bill back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 71, entitled, "An act to amend sections seven and forty-nine of an act for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and forms to be used in such settlement," approved June 15, 1852, have had the same under consideration, and return the same, and recommend its passage.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 72, entitled, "An act to amend section 127 of an act to revise and simplify the rules, practice and pleading, and forms in civil cases, in the courts of this State; to abolish distinct forms of action at law, and and provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, have had the same under consideration, and have directed me to report the bill back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 75, entitled, "An act defining the law of verbal slander, and fixing the punishment therefor," have had the same under consideration, and report the bill back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT :

The committee on the judiciary, to whom was referred House Joint Resolution No. 2, agreeing to and adopting an amendment proposed to the Constitution by the last General Assembly, by adding to the tenth article a section in relation to the debt charged upon the Wabash and Erie canal, have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage. The committee also report back the Senate resolution upon the same subject, and recommend that it be laid on the table.

Which report was concurred in.

Mr. Brown from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary to whom was referred Senate Bill No. 83, entitled "An act defining the offense of libel, making the same a misdemeanor, and prescribing the punishment thereof," have had the same under consideration, and report the bill back to the Senate, and recommend that it be laid on the table.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, to whom was referred Senate resolution concerning the rights of married women, have had the same under consideration, and report it back to the Senate and recommend that it be laid on the table.

The question being on concurring in the report of the committee, Messrs. Neff and Hubbard demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Bird,	Daggy,	Steele,
Boone,	Dittemore,	Stroud,
Bowman,	Harney,	Williams,
Brown,	Rosebrugh,	Winterbotham,
Cave,	Scott,	Mr. President—16.
Collett,		



*Those who voted in the negative were, Messrs.*

Armstrong,	Hall,	Rhodes,
Beardsley,	Haworth,	Sarnighausen,
Beeson,	Howard,	Slater,
Bunyan,	Hubbard,	Sleeth,
Daugherty,	Miller,	Smith,
Dwiggins,	Neff,	Taylor,
Francisco,	Oliver,	Thompson,
Friedley, of Scott.	Orr,	Wadge—26.
Gregg,		

So the report was not concurred in.

Mr. Brown moved to amend the report by adding at the proper place in the resolution the words, "and to exercise the elective franchise."

Mr. Neff moved that the amendment do lie on the table.

The ayes and noes being demanded by Messrs. Brown and Dittmore,

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Hall,	Sarnighausen,
Beeson,	Harney,	Slater,
Bowman,	Haworth,	Sleeth,
Bunyan.	Howard,	Smith,
Cave,	Hubbard,	Stroud,
Daggy,	Miller,	Thompson,
Daugherty,	Neff,	Wadge,
Francisco,	Oliver,	Williams,
Gregg,	Orr,	Mr. President—27.

*Those who voted in the negative were, Messrs.*

Beardsley,	Dittmore,	Scott,
Bird,	Dwiggins,	Steele,
Boone,	Friedley, of Scott,	Taylor,
Brown,	Rhodes,	Winterbotham—14.
Collett,	Rosebrugh,	

So the motion was agreed to.

Message from the Governor, by Mr. Commons, his Private Secretary :

MR. PRESIDENT :

By direction of the Governor, I have the honor to transmit herewith a communication, accompanied by copies of various documents, giving information touching the removal of the Feeder Dam across the Calumet river at Blue Island, in the State of Illinois.

HON. GEO. W. FRIEDLEY,

*President of the Senate :*

SIR—In response to the preamble and resolution of the Senate, passed on the 14th ultimo, I beg leave to say that, in view of the great injury so long suffered by the people of Lake and Porter counties, by reason of the erection and continuance of the Feeder Dam across the Calumet river at Blue Island, in the State of Illinois, and in view of the further fact, that the purpose for which said dam was created having ceased to exist in consequence of the fact that the Illinois authorities turned the water of Lake Michigan through the Chicago river, thereby feeding the Illinois and Michigan Canal directly from the lake, instead of from the Calumet river, I felt it to be my duty to use my best efforts to induce the State Government of the State of Illinois to remove that structure. Accordingly I appointed, on the 24th day of February, 1872, Hon. Andrew L. Osborn and Hon. W. H. Calkins, commissioners on the part of this State, to proceed to Springfield and confer with the Governor and General Assembly of the State of Illinois in relation to the removal of said dam. The terms upon which Messrs. Osborn and Calkins were employed by me to perform that service, are fully explained in my letter to them under date of February 24, 1872, a copy of which is herewith submitted, marked A, they having accepted the terms therein set forth. I also herewith respectfully submit a copy, marked B, of a letter addressed by me to His Excellency John M. Palmer, Governor of Illinois, of the same date, on the same subject, the original having been transmitted through Messrs. Osborn and Calkins. I likewise herewith respectfully transmit for the information of the Senate, a copy, marked C, of a letter addressed by me to Messrs. Osborn and Calkins, under date of Feb-

ruary 26, 1872, containing the instructions I thought proper to give touching the subject matter of their mission.

Mr. Calkins proceeded to Springfield, and was successful in procuring favorable action from the Governor and General Assembly of Illinois on the subject of the removal of the dam. I herewith transmit a copy, marked D, of Mr. Calkins' report to me of the result of his mission to Springfield. I further submit a copy of the joint resolution of the Illinois Legislature, marked E, referred to in Mr. Calkins' report, with a copy of Governor Palmer's letter to me, marked F, transmitting a copy of said joint resolution, with a copy of my report, marked G.

Since the receipt of this last mentioned letter, I have had no further official information on that subject, but am otherwise informed that the dam had been lowered, but not removed, and that an injunction still exists preventing the trustees from removing the dam. The dam ought to be entirely removed, as it still causes the overflow of thousands of acres of land, to the great injury of the property and health of many of the good people of Lake and Porter counties.

I subsequently learned that some court in Lake county, Illinois, had issued an injunction, restraining the trustees of the Illinois and Michigan Canal from removing said Feeder Dam, as they were required to do by said joint resolution. Upon receiving this information, I again addressed Governor Palmer on the subject, a copy of my letter being herewith respectfully transmitted, marked H, with a copy of his reply, marked K.

I respectfully recommend that the Attorney General, or some other competent agent, be designated by the General Assembly, and directed to proceed to Chicago, and learn the grounds on which the injunction is based, so that the General Assembly of this State may have the information on which to base an appeal to the General Assembly of the State of Illinois, when it meets in January, for full and speedy relief by the removal of the dam. It can not be doubted that such relief will be afforded when such an appeal is made. I also transmit a copy of the account of Messrs. Osborn and Calkins for their services in the premises, marked L. The charge is five hundred dollars, which is assuredly reasonable, and I trust it will be allowed by the General Assembly, and directed to be paid.

CONRAD BAKER,  
Governor.

Also, by direction of the Governor, I have the honor to transmit herewith a communication in relation to the report of the Treasurer of State.

HON. GEORGE W. FRIEDLEY,

*President of the Senate.*

SIR: I have the honor to state that I have this day transmitted to the House of Representatives the report of Hon. James B. Ryan, Treasurer of State, for the fiscal year ending October 31, 1872. There being but one copy thereof, I transmitted it to the House with a view to its speedy publication, and feel it to be my duty to inform the Senate of my action in the premises.

CONRAD BAKER,

Governor.

The question being on concurring in the report, Mr. Thompson moved to recommit the report to the committee on the judiciary.

Which motion was agreed to.

Mr. Hubbard, from the committee on corporation, made the following report :

The committee on corporations, to whom was referred Senate Bill No. 1, respectfully report that they have had the same under consideration, and unanimously recommend that the same do pass.

Mr. Brown moved that the bill and report do lie on the table, and that it, together with all bills on the same subject, be made the special order for Tuesday next at 2 o'clock, P. M.

Which motion was agreed to.

Mr. Brown moved that the order of business be suspended, and that Senate Bill No. 88 be taken up.

Which motion was agreed to.

Senate Bill No. 88. An act to authorize and encourage the construction of levees, dykes, drains and ditches, and the reclamation of wet and overflowed lands by incorporated associations, and prescribing their powers, and providing for the assessment of the cost

of such improvements and the expenses attending the same upon the lands benefited thereby, and for the collection of such assessments.

Was read a second time by title, and referred to the committee on corporations.

Mr. Beardsley, from the committee on benevolent institutions, made the following report :

MR. PRESIDENT :

The committee on benevolent institutions, to whom was referred Senate Bill No. 48, entitled " An act to amend sections one and eight of an act entitled an act to establish a home for the maintenance of sick and disabled Indiana soldiers and seaman, and their widows and orphans, approved, March 11, 1867, and section two of an act supplementary thereto, approved, May 14, 1869, would report they have had the same under careful consideration and recommend its passage with the following amendments, after the words " Trustees of the Orphans' Home " in section three as follows : " *And further provided*, that any county which shall make application for the reception of orphans into said home, shall be liable to pay to the Trustees of such home an amount for each person so recommended and received, not exceeding the average cost of each orphan maintained in said home." And the following additional section :

"Section 5. That the provisions of this act shall be so construed and applied, that the several counties of this State shall have and enjoy the benefits thereof in proportion to the number of their inhabitants respectively."

Which report was concurred in.

Mr. Thompson, by unanimous consent of the Senate, presented propositions to sell real estate for the purpose of extending the Capitol Grounds.

Which were referred to the committee on public buildings.

Mr. Howard, from the committee on the rights and privileges of the inhabitants of the State, made the following report :

MR. PRESIDENT :

The committee on the rights and privileges of the inhabitants of

the State, to whom was referred Senate Bill No. 79, entitled "An act to amend the first section of an act, entitled an act to authorize any person desiring to erect a flouring mill or other machinery to be propelled by water, on his own land, to make a race way below such mill or machinery, through land belonging to other persons, and to regulate the assessment and payment of damage therefor, approved March 1, 1853," have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it do lie on the table.

Which report was concurred in.

Mr. Howard, from the committee on the rights and privileges of the inhabitants of the State, made the following report:

MR. PRESIDENT:

The committee on the rights and privileges of the inhabitants of the State, to whom was referred Senate Bill No. 80, and entitled "An act to amend an act, entitled an act providing for the protection of fish, and repealing all laws in conflict with the same, prescribing penalties for the violation thereof," have had the same under consideration, and direct me to report the same back, with the following amendments:

Insert after the word "thereof," in the title, the following: "approved February 22, 1871." Also, further amend by striking out the word "said" in section one, and substituting the word "an," and after the word "act," insert the following: "Entitled an act providing for the protection of fish, and repealing all laws in conflict with the same, prescribing penalties for the violation thereof, approved February 22, 1871," Also, strike out the word "section," after the word "follows," and when so amended, recommend its passage.

Mr. Dittmore moved to recommit the bill, with instructions as follows: after the words "St. Joseph River" insert the words "west fork of White River."

Mr. Beardsley moved that the amendment do lie on the table.

Messrs. Dittmore and Slater demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Francisco,	Sarnighausen,
Beardsley,	Friedley,	Steele,
Beeson,	Gregg,	Smith,
Boone,	Hall,	Stroud,
Brown,	Howard,	Taylor,
Bunyan,	Hubbard,	Thompson,
Chapman,	Neff,	Wadge,
Daggy,	Oliver,	Mr. President—25.
Dwiggins,		

*Those who voted in the negative were, Messrs.*

Bird,	Harney,	Scott,
Bowman,	Haworth,	Slater,
Cave,	Miller,	Steele,
Collett,	Orr,	Williams,
Daugherty,	Rhodes,	Winterbotham-17.
Dittemore,	Rosebrugh,	

So the amendment was ordered to lie on the table.

Mr. Collett moved to recommit the bill, with the following instructions: "To except the Wabash river from the provisions of the act."

Mr. Taylor moved that the motion do lie on the table.

Messrs. Dittemore and Collett demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Francisco,	Orr,
Beeson,	Friedley,	Sleeth,
Boone,	Gregg,	Steele,
Brown,	Hall,	Stroud,
Bunyan,	Howard,	Taylor,
Chapman,	Hubbard,	Thompson,
Daggy,	Neff,	Wadge,
Dwiggins,	Oliver,	Mr. President—24.

*Those who voted in the negative were, Messrs.*

Armstrong,	Dittemore.	Sarnighausen,
Bird,	Harney,	Scott,
Bowman,	Haworth,	Slater,
Cave,	Miller,	Smith,
Collett,	Rhodes,	Williams,
Daugherty,	Rosebrough,	Winterbotham-18.

So the motion was ordered to lie on the table.

Mr. Williams moved to recommit the bill, with instructions to report a bill repealing the law passed in 1871, providing for the protection of fish.

On motion by Mr. Oliver,

The Senate took a recess until 2 o'clock P. M.

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TUESDAY, DECEMBER 3, 1872, 2 O'CLOCK.

The Senate reassembled.

By unanimous consent, Mr. Collett, from the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture, to whom was referred Senate Bill No. 39, a bill to amend an act, entitled "An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands by incorporated companies," etc., have had the same under consideration, and directed me to report the same back, with the following amendments:

Section 1. Strike out all after the word "act" in the fourth line, to and including the word "them" in the sixth line of said section.

Section 2. Strike out all after the word "act" in the first line, to and including the word "prosecuted" in the eleventh line of said section.



Section 5. Strike out all after the word "act" in the first line, to and including the word "thereof" in the seventeenth line of said section, and when so amended do recommend its passage.

Mr. Brown moved to concur in the report, and that the bill do lie on the table, and 150 copies be printed for the use of the Senate.

Which motion was agreed to.

Message from the House, by Mr. Nixon, clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bills thereof, to-wit:

House Bill No. 71. A bill to amend section sixty of an act, entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 4, 1867.

House Bill No. 92. A bill to amend an act, entitled "An act to establish a House of Refuge, for the correction and reformation of juvenile offenders," approved March 6, 1867, and repealing section 11 of such act.

Mr. Wadge moved to suspend the order of business and take up the communication from the Governor reported this morning, with reference to the Calumnet dam and the efforts made to procure the removal of the same, together with all the correspondence accompanying the same.

Which motion was agreed to.

The message and accompanying documents were thereupon read

And on motion by Mr. Wadge,

The said message and documents were referred to a select committee of three, composed of Messrs. Wadge, Hubbard and Winterbotham.

The question recurring on the motion to recommit Senate Bill No. 80 to the committee on rights and privileges of the inhabitants of

the State, with instructions to report a bill repealing the fish law of 1871.

Mr. Dwiggins offered the following substitute for the motion of Mr. Williams :

Recommit the bill and report with instructions to report a bill allowing fishing in every manner except by seining.

Mr. Gregg moved to amend so as to include setnets and trapping.

Mr. Hubbard moved that the whole subject matter be laid on the table.

Mr. Brown called for a division of the question.

The question first being on the amendment of Mr. Gregg, the ayes and noes were demanded by Messrs. Williams and Dittemore.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Daugherty,	Sarnighausen,
Beardsley,	Francisco,	Slater,
Bird,	Glessner,	Smith,
Bowman,	Hall,	Thompson,
Brown,	Harney,	Wadge,
Chapman,	Hubbard,	Williams,
Daggy,	Neff,	Mr. President—23.
Dittemore,	Oliver,	

*Those who voted in the negative were, Messrs.*

Beeson,	Gregg,	Scott,
Boone,	Howard,	Sleeth,
Bunyan,	Miller,	Steele,
Cave,	Orr,	Stroud,
Collett,	Rhodes,	Taylor,
Dwiggins,	Rosebrugh,	Winterbotham—19.
Friedley, of Scott,		

So the amendment of Mr. Gregg was laid on the table.

The question then being on ordering the substitute offered by Mr. Dwiggins to lie on the table, the ayes and noes were demanded by Messrs. Dittemore and Slater.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Harney,	Sleeth,
Beardsley,	Haworth,	Steele,
Brown,	Hubbard,	Stroud,
Chapman,	Miller,	Taylor,
Daggy,	Neff,	Thompson,
Dougherty,	Oliver,	Wadge,
Friedley, of Scott,	Rosebrugh,	Mr. President—23.
Gregg,	Slater,	

*Those who voted in the negative were, Messrs.*

Beeson,	Dittemore,	Rhodes,
Bird,	Dwiggins,	Sarnighausen,
Boone,	Francisco,	Scott,
Bowman,	Glessner,	Smith,
Bunyan,	Hall,	Williams,
Cave,	Howard,	Winterbotham—20.
Collett,	Orr,	

So the substitute was ordered to lie on the table.

The question then being in ordering the report of the committee to lie on the table.

The ayes and noes were demanded by Messrs. Dittemore and Gregg.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Francisco,	Rosebrugh,
Beeson,	Friedley, of Scott,	Sarnighausen,
Bird,	Glessner,	Slater,
Boone,	Gregg,	Sleeth,
Bowman,	Harney,	Smith,
Bunyan,	Haworth,	Steele,
Cave,	Howard,	Stroud,
Collett,	Miller,	Taylor,
Daggy,	Neff,	Thompson,
Dougherty,	Oliver,	Williams,
Dittemore,	Orr,	Mr. President—35.
Dwiggins,	Rhodes,	

*Those who voted in the negative were, Messrs.*

Beardsley,	Chapman,	Scott,
Brown,	Hall,	Winterbotham—6.

So the report of the committee was ordered to lie on the table.

Mr. Rosebrugh moved to reconsider the vote first taken and to lay that motion on the table.

Which motion was agreed to.

Mr. Taylor, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred that portion of the Message of His Excellency, Governor Baker, in relation to the permanent enclosure of the Tippecanoe battle ground, and also Senate Bill No. 45, which provides for the erection of a permanent fence around said grounds in accordance with the recommendation of the Governor, beg leave to submit the following report:

Your committee find that the ground on which the battle of Tippecanoe was fought was originally purchased by General John Tipton for the purpose and design of its permanent preservation and protection. In the year 1831 a number of the survivors of the battle of Tippecanoe, with many other distinguished citizens of Indiana and Kentucky assembled on the battle field, and having collected the scattered remains of those who fell in that conflict, deposited them with appropriate funeral rites in a common grave, around which a rude fence was made, enclosing only the few feet of ground where the remains were deposited. This enclosure has long since disappeared and nothing now remains to mark the spot wherein lie the bones of the heroic dead who perished in that memorable battle. In 1833 the General Assembly, by joint resolution, directed the Governor to ascertain from General Tipton the terms upon which a title could be obtained for the State in the grounds on which the battle was fought, and thereafter such action was had by the General Assembly on behalf of the State and General Tipton, that on the 7th day of November, 1836, the battle ground was conveyed to the State in fee simple.

In the correspondence between Governor Noble and General Tipton, respecting the conveyance, it was well understood and so

expressed in the joint resolution on the subject that the purpose for which the title was vested in the State, was the same as that originally entertained by General Tipton, for its preservation and protection. Since the title was thus acquired by the State the grounds have been twice enclosed by temporary fencing, not a vestige of which now remains. The framers of our present Constitution were so impressed with the obligations resting upon the State to protect for all time from rude disturbance this sacred ground, that they, by Constitutional enactment, recognized the duty in that regard. Section ten article fifteen of the Constitution reads as follows:

“It shall be the duty of the General Assembly to provide for the permanent enclosure and preservation of the Tippecanoe battle grounds.” This constitutional requirement has never been complied with in spirit or letter only to the extent as before stated in the erection of temporary fences. The Board of Commissioners of Tippecanoe county, have recently caused to be made a survey of that portion of the grounds which needed to be enclosed. Mr. E. M. Talbot, under whose supervision the survey was made, was also charged with the additional duty of making an estimate of the probable cost of a suitable iron fence. The report made by Mr. Talbot to the Board of Commissioners, containing a plat of the survey and an estimate of cost is herewith submitted and made a part of this report. From examination of the plat and report, it will be seen that the part to be enclosed will require thirty-three hundred feet of fence, at an estimated cost of twenty-four thousand one hundred dollars. Your committee would therefore recommend that the blank in section one be filled with the sum of twenty-five thousand dollars. Also, that section six be changed so as to be numbered section seven, and in lieu thereof the following be submitted, viz.:

Section 6. That it shall be the duty of the officers named in this act, after the completion of said enclosure, and after all accounts and liabilities incurred for that purpose shall have been audited and paid, to pay over any unexpended balance (if any there be) to any person appointed by the State, or to any Board of County Commissioners or to any association of individuals who may undertake to erect a suitable monument upon said battle ground, such persons, Board of Commissioners or association having first given to said officers their bond, payable to the State of Indiana, with sufficient security that the money so paid shall be faithfully applied for that purpose. And your committee would further recommend that the words “and declaring an emergency” be added to the title of the

bill, and with these amendments would urgently recommend the passage of the bill.

Which report was concurred in.

Mr. Gregg moved to suspend the order of business, and take up the resolution offered by him yesterday, with reference to the death of Hon. Horace Greeley.

Which was agreed to.

The resolution reads as follows :

WHEREAS, The Senate has heard with deep *sorrow* and *regret* of the death of Hon. Horace Greeley, and,

WHEREAS, Wednesday, December 4, is fixed for the performance of his obsequies, and,

WHEREAS, We recognize and fully appreciate the many valuable services he has rendered his country, therefore,

*Resolved*, That when the Senate adjourns on Tuesday afternoon, as a mark of respect to him, it adjourn to December 5th, at 10 o'clock A. M.

Mr. Hubbard moved to amend the resolution as follows :

*Resolved*, That as a further mark of respect, these resolutions be spread upon the journal of the Senate.

Which was agreed to.

The question recurring on the adoption of the resolution as amended.

It was agreed to.

Mr. Thompson moved to suspend the order of business, to take up Senate Bill No. 65.

Which motion was agreed to.

Senate Bill No. 65. An act granting the consent of the State of Indiana, to the purchase by the United States of certain lands, for the purpose of the erection of a public building at Indianapolis, and ceding jurisdiction over the same.

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Dwiggins,	Rhodes,
Beeson,	Francisco,	Rosebrugh,
Beardsley,	Friedley, of Scott,	Sarnighausen,
Bird,	Glessner,	Slater,
Boone,	Gregg,	Sleeth,
Bowman,	Hall,	Smith,
Brown,	Harney,	Steele,
Bunyan,	Haworth,	Stroud,
Cave,	Howard,	Thompson,
Chapman,	Hubbard,	Wadge,
Collet,	Miller,	Williams,
Daggy,	Neff,	Winterbotham,
Daugherty,	Orr,	Mr. President—39.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

Ordered that the Secretary inform the House of the passage of the bill.

By unanimous consent Mr. Friedley, of Lawrence, Mr. Sleeth being in the chair, introduced

Senate Bill No. 112. A bill to amend sections 9, 16, 17, 18, 19, 28, 29, 30, 32, 48, 49 and 52, and repealing sections 20, 24, 25, 27 35, 36, 37, 38 and 53 of an act entitled "An act regulating the fees and salaries and duties of certain officers therein named, and prescribing penalties for the violation of its provisions; repealing all laws in conflict therewith, and declaring an emergency."

Mr. Williams moved to suspend the constitutional rule so that said bill be read a first time by title only.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Friedley, of Scott,	Rosebrugh,
Beeson,	Glessner,	Sarnighausen,
Bird,	Gregg,	Scott,
Boone,	Hall,	Slater,
Bowman,	Harney,	Sleeth,
Brown,	Haworth,	Smith,
Bunyan,	Howard,	Steele,
Cave,	Hubbard,	Strond,
Chapman,	Miller,	Thompson,
Collett,	Neff,	Wadge,
Daggy,	Oliver,	Williams,
Dittimore,	Orr,	Winterbotham,
Dwiggins,	Rhodes,	Mr. President—40.
Francisco,		

No Senator voting in the negative.

So the rule was suspended, and Senate Bill No. 112 was read a first time by the title only.

By unanimous consent, Senate Bill No. 85. A bill to protect the Wabash and Erie Canal, and the tolls and revenues thereof, from sale or sequestration for the satisfaction of the lien of certain bonds or stocks of the State, issued prior to the transfer of the said Canal to the present Board of Trustees thereof, and to provide for the satisfaction of said bonds or stocks, was taken from the table, and referred to the committee on finance.

#### INTRODUCTION OF BILLS.

Mr. Steele introduced

Senate Bill No. 113. A bill to provide for calling a convention to revise, alter or amend the constitution of Indiana.

Was read a first time.

Mr. Neff introduced

Senate Bill No. 114. A bill to suppress tippling houses and



drunkenness, to regulate the sale, barter and giving away of spirituous or malt liquors, wine and other intoxicating liquors, to provide penalties for the violation of this act, and for the collection of damages from the use of intoxicating liquors, repealing all laws inconsistent with this act, and declaring an emergency.

Was read a first time.

Mr. Neff moved that the constitutional rule requiring that bills shall be read on three several days, be suspended, that the bill may be read a second time now.

The ayes and noes being taken under the rules.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Friedley, of Scott,	Rosebrugh,
Beson,	Glessner,	Sarnighausen,
Bird,	Gregg,	Scott,
Boone,	Hall,	Slater,
Bowman,	Harney,	Sleeth,
Brown,	Haworth,	Smith,
Bunyan,	Howard,	Steele,
Cave,	Hubbard,	Stroud,
Chapman,	Miller,	Thompson,
Collett,	Neff,	Wadge,
Daggy,	Oliver,	Williams,
Dwiggins,	Orr,	Winterbotham,
Francisco,	Rhodes,	Mr. President—39.

No senator voting in the negative.

So the rule was suspended and the bill read a second time by title.

Mr. Sleeth moved that the bill do lie on the table and two hundred copies be printed for the use of the Senate.

Which motion was not agreed to.

The bill was referred to the committee on temperance.

Mr. Brown introduced

Senate Bill No. 115. A bill to prevent extortionate charges for, and unjust discrimination in the transportation of freight by railroad

companies and other common carriers, and to provide a remedy when such extortions and discriminations are practiced.

Was read a first time.

Mr. Dwiggins introduced

Senate Bill No. 116. A bill to amend section 90, 96, and 97 of an act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of the officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852, and legalizing certain sales of real estate heretofore made by foreign administrators and declaring an emergency.

Was read a first time.

Mr. Friedley, of Lawrence, moved that the constitutional rule requiring bills to be read on three several days be suspended, that Senate Bill No. 112 may be read a second time now.

The ayes and noes being taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Francisco,	Rhodes,
Beardsley,	Friedley of Scott,	Rosebrugh,
Beeson,	Glessner,	Sarnighausen,
Bird,	Gregg,	Sleeth,
Boone,	Hall,	Smith,
Bowman.	Harney,	Steele,
Brown,	Howard,	Stroud,
Bunyan,	Hubbard,	Thompson,
Cave,	Miller,	Wadge,
Chapman,	Neff,	Williams,
Collett,	Oliver,	Winterbotham,
Daugherty,	Orr,	Mr. President.—37.
Dwiggins,		

*Those who voted in the negative were, Messrs.*

Daggy,

Slater—2.

So the rule was suspended.

Senate Bill No. 112. A bill to amend sections 9, 16, 17, 18, 19, 28, 29, 30, 32, 48, 49 and 52, and repealing sections 20, 24, 25, 27, 35, 36, 37, 38, and 53 of an act entitled "An act regulating the fees, salaries and the duties of certain officers therein named, and prescribing penalties for the violation of its provisions, repealing all laws in conflict therewith and declaring an emergency."

Was read a second time by title and referred to committee on fees and salaries.

Mr. Orr introduced

Senate Bill No. 117. A bill regulating the granting of divorces, nullification of marriages and decrees and orders of courts incident thereto, and repealing all laws conflicting with this act and declaring an emergency.

Was read a first time.

By unanimous consent House Bill No 81 was taken up.

Engrossed House Bill No. 81. A bill to amend sections 2, 3, 4 and 6, of an act to provide for the re-location of county seats and for erection of public buildings in counties in case of such re-location, approved March 2, 1855, to amend section 2 of an act amendatory of said act approved December 18, 1863, and to amend section 2 of an act amendatory of said act, approved February 24, 1869.

Was read a second time by title and referred to the committee on the judiciary.

Mr. Daugherty moved to suspend the order of business and take up Senate Bill No. 2.

Which motion was agreed to.

Mr. Daugherty moved that the constitutional rule requiring that bills be read on three several days by sections, be suspended and the bill be read a second time by title only.

The ayes and noes being taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Dwiggins,	Rhodes,
Beardsley,	Franciseo,	Rosebrugh,
Beeson,	Freidley, of Scott,	Sarnighausen,
Bird,	Glessner,	Slater,
Boone,	Gregg,	Smith,
Bowman,	Hall,	Steele,
Brown,	Harney,	Stroud,
Bunyan,	Haworth,	Thompson,
Cave,	Hubbard,	Wadge,
Chapman,	Miller,	Williams,
Collett,	Neff,	Winterbotham,
Daggy,	Oliver,	Mr. President.—38.
Daugherty,	Orr,	

No Senator voting in the negative.

So the rule was suspended.

Senate Bill No. 2. A bill to authorize and regulate the incorporation of banks of discount and deposits in the State of Indiana.

Was read a second time by title only, and ordered to be engrossed.

The President announced the following select committee, to whom was referred that portion of the Governor's message in regard to a Soldiers' Monument, consisting of one from each Congressional District, as follows:

First District—Mr. Gooding.  
 Second District—Mr. Hall.  
 Third District—Mr. Gregg.  
 Fourth District—Mr. Sleeth.  
 Fifth District—Mr. Oliver.  
 Sixth District—Mr. Dittemore.  
 Seventh District—Mr. Taylor.  
 Eighth District—Mr. O'Brien.  
 Ninth District—Mr. Steele.  
 Tenth District—Mr. Chapman.  
 Eleventh District—Mr. Wadge.

Also the select committee to whom was referred that portion of

the Governor's message, in regard to the death of the late Norman Eddy:

Senators Scott, Glessner, Daggy, Daugherty, and Friedley of Scott.

Mr. Thompson, from the committee on benevolent institutions, made the following report:

MR. PRESIDENT :

The committee on benevolent institutions have had referred to them Senate Bill No. 100, a bill to amend sections 352 and 354 of an act entitled "An act to revise, simplify, and abridge the rules of practice, pleading, and forms in civil court," presented by Senator Daggy, and would report that they believe that this bill has been referred to this committee through mistake, and would report the bill back to the Senate, and recommend that it be referred to committee on the judiciary.

Which report was concurred in.

On motion by Mr. Dwiggin,

The Senate adjourned until Thursday next, at 10 o'clock A. M.

## THURSDAY MORNING.

DECEMBER 5, 1872, 10 O'CLOCK.

The Senate met.

Prayer was made by the Rev. Dr. Day, of the First Baptist Church.

Pending the reading of the Journal,

On motion by Mr. Haworth,

The further reading thereof was dispensed with.

## PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. O'Brien presented a memorial from the citizens and school trustees of the town of Cicero.

Which memorial was referred to the committee on corporations.

Mr. Neff presented a petition from the citizens of the State in regard to hunting game on the premises of another without permission.

Which memorial was,

On motion,

Referred to the committee on rights and privileges of the inhabitants of the State.

Mr. Orr presented a petition praying for the repeal of the law authorizing counties and townships to vote aid to railroads.

Which petition was referred to the committee on county and township business.

Message from the House, by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit:

House Bill No. 162. A bill to authorize cities to correct the erroneous listing, description and assessment of real estate, liable to city taxes, and when corrected to collect all taxes due thereon, and to list, assess and collect taxes on any person or persons who have furnished the Assessor with a false or defective statement of his or their property, or the value thereof.

Mr. Wadge presented a petition from the citizens of Lake and Porter counties, praying for the repeal of the draining law.

Which memorial was,

On motion,

Referred to the committee on corporations.

Mr. Steele presented a petition from citizens of Grant county, praying the enactment of a temperance law.

Which petition was referred to the committee on temperance.

Mr. Miller moved to suspend the order of business and take up House Bill No. 49.

Which motion was agreed to.

Engrossed House Bill No. 49. A bill creating the Twenty-second Judicial Circuit of Indiana, and fixing the time of holding Circuit Courts therein.

Was read a second time by title and referred to the committee on the organization of courts.

Mr. Williams presented the claim of T. A. Goodwin for the Indiana American.

Which claim was referred to the committee on claims.

Mr. Taylor presented a petition from citizens of the State, praying for the repeal of the law authorizing counties and townships to vote aid to railroads.

Which petition was referred to the committee on railroads.

Mr. Winterbotham presented a memorial from citizens of LaPorte county, praying the repeal of the drainage law of 1869.

Which was referred to the committee on corporations.

Mr. Dwiggins presented memorial from the citizens of Jasper county, on the same subject.

Which was referred to the committee on corporations.

Mr. Sleeth presented a petition praying the repeal of the act of May 12, 1869, authorizing counties and townships to vote aid to railroads.

Which was referred to the committee on railroads, without reading.

Mr. Howard presented a memorial from the Steuben county Teachers' Institute, in regard to compulsory education.

Which was,

On motion,

Referred to the committee on education, without reading.

Mr. Daggy presented a petition from the citizens of Putnam county, on the subject of temperance.

Which petition was,

On motion by Mr. Daggy,

Referred to the committee on temperance, without reading.

Mr. Bunyan presented a petition, praying for the repeal of the act of May 12, 1869, authorizing counties and townships to vote aid to railroads, etc.

Which petition was referred to the committee on railroads, without reading.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Steele, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred Senate Bill No.



85, a bill, entitled, "An act to protect the Wabash and Erie Canal, and the tolls and revenues thereof from sale or sequestration," have had the same under consideration, and I am authorized by the majority of said committee, to report the same back to the Senate, with a recommendation that it do pass.

Mr. Brown moved that the report do lie on the table.

Which motion was agreed to.

Mr. Brown moved to suspend the order of business, and take up Senate Bill 85.

Which motion was agreed to.

Senate Bill No. 85. An act to protect the Wabash and Erie Canal, and the tolls and revenues thereof, from sale or sequestration.

Was read a second time.

Mr. Brown moved that the bill be made the special order for tomorrow, at 10:30 A. M.

Mr. Glessner moved to amend by making it the special order for Monday next, at 2 o'clock P. M.

Mr. Dittmore moved that the amendment do lie on the table.

Messrs. Slater and Glessner demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Friedley, of Scott,	Orr,
Beeson,	Haworth,	Rhodes,
Bird,	Hough,	Scott,
Bowman,	Howard,	Sleeth,
Brown,	Hubbard,	Steele,
Bunyan,	Miller,	Taylor,
Collett,	Neff,	Thompson,
Daggy,	O'Brien,	Winterbotham,
Dittmore,	Oliver,	Mr. President—28.
Dwiggins,		

*Those who voted in the negative were, Messrs.*

Armstrong,	Francisco,	Sarnighausen,
Beggs,	Glessner,	Slater,
Boone,	Gregg,	Smith,
Carnahan,	Hall,	Stroud,
Cave,	Harney,	Wadge,
Daugherty,	Rosebrugh,	Williams—18.

So the amendment was ordered to lie on the table.

The question recurring on the motion by Mr. Brown to make the bill the special order for to-morrow at 10:30 A. M.

Messrs. Gregg and Slater demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Harney,	Sarnighausen,
Beeson,	Haworth,	Scott,
Bird,	Hough,	Sleeth,
Boone,	Howard,	Steele,
Bowman,	Hubbard,	Stroud,
Brown,	Miller,	Taylor,
Bunyan,	Neff,	Thompson,
Collett,	O'Brien,	Wadge,
Daggy,	Oliver,	Williams,
Dittemore,	Orr,	Winterbotham,
Dwiggins,	Rhodes,	Mr. President—34.
Friedley, of Scott,		

*Those who voted in the negative were, Messrs.*

Armstrong,	Daugherty,	Hall,
Beggs,	Francisco,	Rosebrugh,
Carnahan,	Glessner,	Slater,
Cave,	Gregg,	Smith—12.

So the motion was agreed to.

Mr. Brown moved that the minority of the committee on finance have leave to make a report on Senate Bill No. 85, to-morrow at 10:30 A. M.

Which motion was agreed to.

Mr. Hubbard, from the committee on corporations, made the following report :

MR. PRESIDENT :

The committee on corporations to whom was referred Senate Bill No. 40, an act to amend section second of an act entitled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved, February 12, 1855, and declaring an emergency to exist, report that they have had the same under consideration, and that by error the bill purports to amend an act which is now repealed. That a new bill has been drawn, which accompanies this report, as a substitute therefor, and that your committee would recommend the passage of the substitute as Senate Bill No. 40.

Which report was concurred in.

Mr. Hubbard, from the committee on corporations; made the following report :

MR. PRESIDENT :

The committee on corporations, to whom was referred Senate Bill No. 69, "An act to authorize and empower cities incorporated under any general law of this State for the incorporation of cities, and owning real estate, to sell and convey the same in whole or in parcels, as the Common Council of such cities may deem expedient, and prescribing in what manner the same may be conveyed, and declaring an emergency," report that they have had the same under consideration, and recommend its passage.

Which report was concurred in.

Mr. Hubbard, from the committee on corporations, made the following report :

MR. PRESIDENT :

The committee on corporations, to whom was referred Senate Bill No. 35, an act to amend section 17 and 29 of an act, entitled, "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing

their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, report that they have had the same under consideration, and recommend its passage.

Which report was concurred in.

Mr. Hubbard, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate Bill No. 10, an act to amend section 58 of an act, entitled, "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867," respectfully report that they have had the same under consideration, and recommend its passage.

Which report was concurred in.

Mr. Hubbard, from the committee on corporations, made the following majority report:

MR. PRESIDENT:

The majority of the committee on corporations, to whom was referred Senate Bill No. 31, entitled, an act supplemental to an act authorizing the assessment of lands for plank, macademized and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject approved March 11, 1867, the act aforesaid having been approved May 14, 1869, and repealing so much of said act as affects such companies not organized at the taking effect of this act," report that the same was considered by the committee, and the majority recommend its passage.

Mr. Dwiggins, from the committee on corporations, made the following minority report:

MR. PRESIDENT:

The minority of the committee on corporations, to whom was referred Senate Bill No. 31, an act supplemental to an act authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject approved March 11, 1867, the act aforesaid having been approved May 14, 1869, and repealing so much of said act as affects such companies not organized at the taking effect of this act," report that they have had the same under consideration, and recommend that it do lie on the table.

Mr. Glessner moved that both reports do lie on the table and that one hundred and fifty copies of the bill be printed for the use of the Senate.

Messrs. Neff and Slater demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Gregg,	Rhodes,
Beardsley,	Hall,	Rosebrugh,
Beggs,	Haworth,	Scott,
Boone,	Hough,	Slater,
Bowman,	Howard,	Stroud,
Carnahan,	Hubbard,	Thompson,
Cave,	Miller,	Wadge,
Daggy,	O'Brien,	Williams,
Francisco,	Oliver,	Winterbotham—28.
Glessner,		

*Those who voted in the negative were, Messrs.*

Beeson,	Dittermore,	Orr,
Bird,	Dwiggins,	Sleeth,
Brown,	Friedley,	Steele,
Bunyan,	Harney,	Taylor—14.
Daugherty,	Neff,	

So the motion was agreed to.

Mr. Hubbard, from the committee on corporations, made the following report:

MR. PRESIDENT :

The committee on corporations to whom was referred Senate Bill No. 33, entitled a bill to amend sections 17 and 29 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities and to provide for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1872, report that they have had the same under consideration, and recommend that section 6 be amended by striking out in lines 7, 8 and 9 of said act, the following words: "Or secured to be paid for as provided in the second section of said act," and after such amendment the committee would recommend the passage of the bill.

Which report was concurred in.

Mr. Orr, from the committee on roads, made the following report :

MR. PRESIDENT :

The committee to whom was referred Senate Bill No. 81 entitled "An act to authorize the election of a county engineer and three commissioners, and the appointment of an examiner of county engineers and defining their qualifications and duties, and providing for the laying out, locating, changing and vacating, constructing, repairing and maintaining public highways, and for levying, collecting and expending road tax, and repealing all laws and parts of laws in conflict therewith," have had the same under consideration and beg leave to report the same back with the recommendation that it do lie on the table.

Which report was concurred in.

Mr. Cave, from the committee on roads, made the following report :

MR. PRESIDENT :

The committee on roads to whom was referred Senate Bill 104, entitled an act to repeal "An act authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the

manner of assessing and collecting the same," approved May 14, 1869, and also authorizing companies who have organized and commenced work under the provisions of the above act to perfect their assessments, and declaring an emergency, have had the same under consideration, and beg leave to return the same with the following amendments:

First. To strike out the words "above named act" in the third line of section 1 and insert in lieu thereof the following words, to-wit: "Act authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same." Also to strike out the words: "assess the same" in line twenty-seven of section 1, and insert in lieu thereof the following words, to-wit: "Have the same perfected before or after suit has been commenced." And when so amended, the committee recommend the passage of the bill.

Mr. Daggy moved that the report do lie on the table.

Which was agreed to.

Mr. Oliver, from the committee on public buildings, made the following report:

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 29, entitled "An act to provide for the enlargement of the State House grounds by vacating a certain street and alley therein named, and by acquiring certain real estate therein described, in order to furnish a suitable site for a new State House," have had the same under consideration, and report the same back to the Senate and recommend that the bill do pass.

Which report was concurred in.

Mr. Neff, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred a claim in favor of William Burns, for rations furnished to Company A, 84th Indiana Infantry, in August, 1862, and interest thereon, for twenty dol-

lars, have had the same under consideration, and return the same back to the Senate, and recommend that it be allowed, and the same be referred to the committee on finance, to be incorporated in the specific appropriation bill.

Which report was concurred in.

Mr. Neff, from the committee on claims, submitted the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred a claim in favor of Sarah H. Ketcham and Mary J. Ketcham, for eighty-nine dollars, for purchase-money and interest thereon for lands purchased of the State, on account of failure of title, have taken the same under consideration, and have instructed me to report the same back to the Senate, and recommend that it be allowed; and that the same be referred to the committee on finance, to be incorporated in the specific appropriation bill.

Which report was concurred in.

Mr. Neff, from the committee on claims, submitted the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred a claim in favor of Alfred Thompson, for \$154.40 for purchase-money and interest thereon, for lands purchased of the State, on account of failure of title, have had the same under consideration, and return the same, and recommend it be allowed, and that the same be referred to the finance committee, to be incorporated in the specific appropriation bill.

Which report was concurred in.

Mr. Beeson, from the committee on temperance, submitted the following report:

MR. PRESIDENT:

The committee on temperance, to whom was referred Senate Bill No. 41, entitled an act to amend section five of an act entitled "An



act to regulate and license the sale of spiritous, vinous, malt, and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all forms contravening the provisions of this act, and prescribing penalties for the violation thereof," have had the same under consideration, and direct me to report the same back to the Senate, and recommend that it do lie on the table.

Which report was concurred in.

Mr. Bunyan, from the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee on county and township business to whom was referred Senate Bill No. 24, entitled an act to amend section 30 of an act entitled "An act providing for the election or appointment of supervisors of highways and prescribing certain of their duties, and those of county and township officers in relation thereto," approved December 20, 1865, have had the same under consideration, and have amended the same as follows, to wit: "Declaring an emergency" in title second; striking out all after the word "thirty" in section 1, and inserting in lieu thereof, the following: "of an act entitled 'An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, be and the same is hereby amended to read as follows, to wit:'" and when so amended the committee recommend its passage.

Which report was concurred in.

Mr. Orr, from the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee on county and township business, to whom was referred Senate Bill No. 74, entitled "An act to legalize the acts and proceedings of Boards of County Commissioners in certain cases, and declaring an emergency," have had the same under consideration and beg leave to report the same back with the recommendation that the bill do pass.

Which report was concurred in.

Mr. Howard, from the committee on county and township business, made the following report :

MR. PRESIDENT :

The committee on county and township business to whom was referred Senate Bill No. 47, entitled an act to repeal an act entitled "An act providing for the protection of fish, and repealing all laws in conflict with the same, prescribing penalties for the violation thereof, approved February 22, 1871, have had the same under consideration, and direct me to report the same back to the Senate and recommend that it do lie on the table.

Which report was concurred in.

Mr. Scott, from the committee on education made the following report :

MR. PRESIDENT :

The committee on education, to whom was referred Senate Bill No. 89, introduced by Mr. Gooding, and entitled " A bill to provide for the issuing of a non-negotiable bond to the school fund, for certain sums of money heretofore advanced by, or borrowed from said fund by the State," would respectfully represent that they have had the same under consideration, and recommend its passage.

Which report was concurred in.

Mr. Wadge, from a select committee, made the following report :

MR. PRESIDENT :

The select committee, to whom was referred the communication of his excellency, Governor Baker, in relation to the Calumet dam, have had the same under advisement, and recommend the passage of the following concurrent resolution :

WHEREAS, At the last session of the General Assembly of the State of Illinois, the Legislature of that State passed a joint resolution, directing the canal commissioners to remove the feeder-dam at Blue Island, in that State, and

WHEREAS, On the attempt of said commissioners to carry out the order of the Legislature in this particular, an injunction was served on them, restraining them from so doing, and

WHEREAS, Nothing definite has been done in the matter, by the authorities of Illinois, and that the inhabitants of the counties of Lake and Porter, in this State, are suffering great inconvenience and loss, both in lands and in health, caused by the overflow of thousands of acres of valuable lands in said counties, therefore

*Be it resolved*, By the Senate, the House concurring therein, that the Attorney General of this State be and he is hereby directed to repair at once to Chicago, or to such point where the court is held, which issued said injunction, and learn the exact grounds on which such injunction is issued, and to see what prospect exists for the speedy removal of said nuisance and to report to the General Assembly at the earliest possible opportunity.

The report was concurred in.

Mr. Brown, from the committee on railroads, made the following report :

MR. PRESIDENT :

The committee on railroads, to whom was referred Senate Bill No. 13, a bill requiring railroad companies organized under the laws of the State of Indiana, to keep their principal offices of business within the State, and to have a majority of directors resident within the State of Indiana, and along the line of said railroads," report that the same has been considered, and a majority of said committee recommend that the bill do lie on the table.

Which report was concurred in.

Mr. Dittemore offered the following :

WHEREAS, The last General Assembly of the State of Indiana passed an act authorizing the Auditor of State to distribute to the various counties of this State, certain moneys commonly known as the sinking fund, and

WHEREAS, Said money, amounting in the aggregate to \$560,000, was not so distributed in accordance with the law ; therefore,

*Resolved*, That a select committee of three be appointed by the President of the Senate, whose duty it shall be to inquire into the cause of failure of the Auditor of State to have the same distributed, as provided by law ; to ascertain what amount of interest accumu-

lated on said sum of \$560,000 during the suspension of its distribution, and what disposition, if any, has been made of said interest, if any has been collected; and to inquire into the condition of the bond of A. C. Shortridge and others, by whose injunction said money was kept from the people of the different counties; and said committee to have power to send for persons and papers to aid in their investigation, and to report to the Senate by resolution or otherwise.

Which resolution was adopted.

The President announced the following committee under the foregoing resolution :

Messrs. Dittmore, Daggy and Brown.

Mr. Orr offered the following :

*Resolved*, That the committee on corporations be requested to inquire into the expediency of requiring incorporated towns and cities to post up, in legible type, the name of each street, and at each and every street crossing thereof, and to report to this Senate by bill or otherwise.

Which resolution was adopted.

Mr. Thompson offered the following :

*Resolved*, That a committee of five be appointed by the Senate, whose duty it shall be to inquire what further legislation, if any, is necessary to protect the people of the State from oppressive taxation, by counties, townships, cities and towns, with power to report at any time by bill or otherwise.

Which motion was adopted.

Whereupon the President announced the following as the committee under the foregoing resolution :

Messrs. Thompson, Slater, Taylor, Rhodes and Smith.

Mr. Rhodes offered the following :

WHEREAS, His Excellency, the Governor, has recommended in his message, delivered before this General Assembly, that inasmuch

as it has been the custom heretofore to place the original manuscript Journal of the proceedings of the General Assembly in the printer's hands, being under the supervision of the Secretary and Clerk of the House respectively, that the original manuscript copy of the Journal be bound in permanent form and preserved in the office of the Secretary of State and copies thereof furnished to the printer.

*Therefore, Resolved,* That the Secretary be instructed to have the original manuscript of the Journal of this Senate bound in permanent form, and filed by him in the office of the Secretary of State, and that a copy of said original manuscript Journal be furnished to the printer, and to be printed under the direction of such Secretary.

Which resolution was adopted.

Mr. Boone offered the following :

*Resolved,* That the Clerk of the Cass Circuit Court be requested to furnish the Senate, at an early day, a complete transcript duly certified under his hand, attested by the seal of said court of the complaints, exhibits and papers filed therewith, together with the answers, demurrers and replies, and all the rulings, proceedings, interlocutory orders and decree of the said court in the case of John W. Garrett and others, against the Trustees of the Wabash and Erie Canal and others, including the instructions of the court and all the evidence in the case as shown and embodied in the bill of exceptions.

Mr. Brown moved that the resolution do lie on the table.

Messrs. Slater and Dittemore demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Haworth,	Orr,
Beeson,	Hough,	Rhodes,
Brown,	Howard,	Sarnighausen,
Bunyan,	Hubbard,	Steele,
Daggy,	Miller,	Taylor,
Dittemore,	Neff,	Thompson,
Dwiggins,	O'Brien,	Wadge,
Friedley, of Scott,	Oliver,	Mr. President—25.
Hall,		

*Those who voted in the negative were, Messrs.*

Armstrong,	Francisco,	Slater,
Beggs,	Glessner,	Sleeth,
Boone,	Gregg,	Smith,
Bowman,	Harney,	Stroud,
Carnahan,	Rosebrugh,	Williams,
Cave,	Scott,	Winterbotham—19.
Daugherty,		

So the resolution was ordered to lie on the table.

Mr. Dittmore offered the following:

*Resolved*, That the Senate committee on prisons for the session of 1871, be allowed the sum of thirty dollars each, to reimburse the members of said committee for actual expenses for two trips to the Southern Prison to investigate the affairs of the same, and that the President of the Senate be authorized to draw his warrant for each sum in favor of the members of said committee.

Which was referred to the committee on claims.

Mr. Brown offered the following:

*Resolved*, That the Auditor of State be and he is hereby directed to issue his warrant on the State Treasurer in favor of A. E. and W. H. Drapier, for the same number of copies of the Brevier Legislative Reports of the Forty-seventh General Assembly as have been furnished every session since 1857, the same price paid per page per copy as for the last several volumes. To be paid out of the fund appropriated for Legislative expenses; and also at the same rate for the same number of copies of the current volume for the present session.

Mr. Scott moved to refer the resolution to the committee on claims.

Which motion was agreed to.

Mr. Wadge moved to adopt the resolution reported by the select committee with reference to the Calumet Feeder Dam.

Which motion was agreed to.

On motion of Mr. Beardsley,

The Senate took a recess until 2 o'clock P. M.

## AFTERNOON SESSION.

The Senate assembled at 2 P. M.

The President laid before the Senate advanced sheets of the Report of the Auditor of State, relating to the Sinking Fund, as called for by the Senate.

## INTRODUCTION OF BILLS.

Mr. Bowman introduced

Senate Bill No. 118. Entitled a bill to repeal all laws now in force establishing the times of holding circuit courts in the Second Judicial Circuit, to fix the times of holding said courts, requiring all persons to take notice thereof, providing for the return of process, and declaring when this act shall take effect.

Was read a first time.

Mr. Beeson introduced

Senate Bill No. 119. A bill to amend an act entitled "An act to establish courts of common pleas, and defining the jurisdiction, and providing for the judges thereof."

Was read a first time.

Mr. Armstrong introduced

Senate Bill No. 120. Entitled an act to protect the ballot box, to procure a fair election, to define felonies, and prescribe punishment therefor.

Was read a first time.

Mr. Orr moved to suspend the order of business, and take up House Bill No. 22.

Which motion was agreed to.

Engrossed House Bill No. 22. A bill to amend the first section

and the title of an act, approved March 4, 1865, entitled "An act providing for the completion of the unfinished business of any session of the General Assembly by the next succeeding special session of the same General Assembly."

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Dwiggins,	Rhodes,
Beardsley,	Friedley, of Scott,	Sarnighausen,
Beggs,	Glessner,	Scott,
Beeson,	Gregg,	Slater,
Bird,	Hall,	Sleeth,
Bowman,	Harney,	Steele,
Brown,	Hough,	Stroud,
Boone,	Haworth,	Taylor,
Bunyan,	Howard,	Thompson,
Carnahan,	Hubbard,	Wadge,
Cave,	Miller,	Williams,
Daggy,	Neff,	Winterbotham,
Daugherty,	Oliver,	Mr. President—41.
Dittemore,	Orr,	

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of the bill.

Mr. Thompson introduced

Senate Bill No. 121. A bill entitled an act to amend an act entitled "An act to authorize aid to the construction of railroads by counties and townships, taking stock in and making donations to



railroad companies," approved May 12, 1869, and declaring an emergency.

Was read a first time.

Mr. Harney introduced

Senate Bill No. 122. A bill to legalize in certain cases and under certain conditions appropriations made by Boards of County Commissioners to aid in building railroads previous to the 12th of May, 1869, and made without the authority of law, and declaring an emergency.

Was read a first time.

Mr. Glessner introduced

Senate Bill No. 123. Entitled an act to amend section 22 of an act entitled "An act concerning enclosures, trespassing animals and partition fence," approved June 4, 1852, declaring it a misdemeanor to violate the provisions of this act, prescribing punishment therefor and declaring an emergency for the taking effect of this act.

Was read a first time.

Mr. Williams introduced.

Senate Bill No. 124. A bill to define what shall be the salary of the Governor, the manner of paying the same, and declaring an emergency.

Was read a first time.

Mr. Slater introduced

Senate Bill No. 125. An act to amend section 1 of "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved March 5, 1859.

Was read a first time.

Mr. Oliver introduced

Senate Bill No. 126. A bill to provide for the finishing of the

State building on the corner of Washington and Tennessee streets, by erecting stone platforms in front of the offices on both of said streets.

Was read a first time.

Mr. Rhodes introduced

Senate Bill No. 127, entitled an act in relation to the collection of promissory notes and contracts given for a patent right, or territory for a patent right, authorizing the collection of judgments taken by default, in certain cases, to be enjoined; enlarging the defense to such notes and contracts when payable in bank, providing where such suits shall be commenced, and declaring an emergency.

Was read a first time.

Mr. Hubbard introduced

Senate Bill No. 128. An act relative to the rights and powers of married women.

Was read a first time.

Mr. Daggy introduced

Senate Bill No. 129. An act relating to insurance companies.

Was read a first time.

Mr. Beeson moved to suspend the order of business and take up Engrossed House Bill No. 98.

Which motion was agreed to.

Engrossed House Bill No. 98. A bill entitled a bill to prevent carrying concealed or dangerous weapons, and to provide punishment therefor.

Was read a second time.

Mr. Beeson moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill read a third time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Francisco,	Rhodes,
Beeson,	Friedley, of Scott,	Sarnighausen,
Beggs,	Gregg,	Scott,
Bird,	Hall,	Slater,
Boone,	Harney,	Sleeth,
Bowman,	Haworth,	Smith,
Bunyan,	Howard,	Stroud,
Carnahan,	Hubbard,	Taylor,
Cave,	Miller,	Thompson,
Daggy,	Neff,	Wadge,
Daugherty,	O'Brien,	Williams,
Dittemore,	Oliver,	Winterbotham,
Dwiggins,	Orr,	Mr. President—39.

No Senator voting in the negative.

So the rule was suspended, and Engrossed House Bill No. 98 was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Francisco,	Sarnighausen,
Beeson,	Gregg,	Scott,
Beggs,	Hall,	Slater,
Bird,	Harney,	Sleeth,
Boone,	Haworth,	Smith,
Bowman,	Hough,	Steele,
Brown,	Howard,	Stroud,
Bunyan,	Hubbard,	Taylor,
Carnahan,	Miller,	Thompson,
Cave,	Neff,	Wadge,
Daggy,	O'Brien,	Williams,
Daugherty,	Oliver,	Winterbotham,
Dittemore,	Orr,	Mr. President—41.
Dwiggins,	Rhodes,	

No Senator voting in the negative.

So the bill passed.

S. J.—15

The question being, shall the title as read stand as the title of the bill?

Mr. Brown moved to amend by striking out the words "a bill" and inserting the words "an Act."

Which motion was agreed to.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

Ordered that the Secretary inform the House of the passage of the bill.

Mr. Beeson moved to suspend the order of business and take up Engrossed House Bill No. 92.

Which motion was agreed to.

Mr. Beeson moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill be read a first and second time by title only.

The ayes and noes being taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Dwiggins,	Orr,
Beardsley,	Francisco,	Rhodes,
Beeson,	Gregg,	Sarnighausen,
Beggs,	Hall,	Slater,
Bird,	Harney,	Sleeth,
Boone,	Haworth,	Smith,
Bowman,	Hough,	Stroud,
Brown,	Howard,	Taylor,
Bunyan,	Hubbard,	Thompson,
Carnahan,	Miller,	Wadge,
Daggy,	Neff,	Williams,
Daugherty,	O'Brien,	Winterbotham,
Dittemore,	Oliver,	Mr. President—39.

No Senator voting in the negative.

So the constitutional rule was suspended.

Engrossed House Bill No. 92. A bill to amend an act entitled "An act to establish a House of Refuge for the correction and reformation of juvenile offenders," approved March 6th, 1867, and repealing section eleven of such act.

Was read first and second time by its title only.

Mr. Beeson moved that the constitutional rule requiring that bills be read on three several days be suspended, and the bill read a third time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Friedley, of Scott,	Sarnighausen,
Beeson,	Glessner,	Scott,
Beggs,	Gregg,	Slater,
Bird,	Harney,	Sleeth,
Boone,	Haworth,	Smith,
Bowman,	Hough,	Steele,
Bunyan,	Howard,	Stroud,
Carnahan,	Hubbard,	Taylor,
Cave,	Miller,	Thompson,
Daggy,	Neff,	Wadge,
Daugherty,	O'Brien,	Williams,
Dittemore,	Oliver,	Winterbotham
Dwiggins,	Orr,	Mr. President—41.
Francisco,	Rhodes,	

No Senator voting in the negative.

So the rule was suspended, and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Bunyan,	Gregg,
Beardsley,	Daggy,	Hall,
Beeson,	Daugherty,	Haworth,
Beggs,	Dittemore,	Hough,
Bird,	Dwiggins,	Howard,
Bowman,	Francisco,	Hubbard,
Brown,	Friedley, of Scott,	Miller,

Neff,	Sarnighausen,	Taylor,
O'Brien,	Sleeth,	Thompson,
Oliver,	Smith,	Wadge,
Orr,	Stroud,	Mr. President—34.
Rhodes,		

*Those who voted in the negative were, Messrs.*

Boone,	Harney,	Williams,
Carnahan,	Slater,	Winterbotham—8.
Cave,	Steele,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Neff moved to amend by striking out the words "a bill," and inserting the words "an act."

Which motion was agreed to.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the bill.

Message from the House by Mr. Nixon, Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following concurrent resolution of the Senate, to-wit:

*Resolved*, By the Senate, the House concurring, that five thousand copies of the report of the Trustees and Superintendent of the Institution for the Education of the Deaf and Dumb, be printed, and three thousand thereof be printed for the use of the members of the General Assembly, and two thousand thereof for the use of the Superintendent of the Institution, in accordance with the recommendation of the Governor's Message.

I am also directed to inform the Senate, that the House has passed the following engrossed House Bills, to-wit:

Engrossed House Bill No. 70. A bill to enable counties bordering on the State lines, or rivers forming State boundaries, and townships and cities therein, to aid in the construction of railroads opposite such counties in other States, to run to such counties, or to the State line, or river forming State boundaries, bordering such counties, or to form connections with other railroads in such counties, prescribing the duties of the officers of such county for that purpose, and authorizing such cities to issue bonds for such aid, and declaring an emergency.

Mr. Dwiggins offered the following:

WHEREAS, The advanced sheets of the State Auditor's report, which has been published and placed upon the desks of Senators, discloses the fact that there is in the State treasury the sum of \$63,-226.76, arising from the swamp land fund, and from other sources belonging to the school fund; and said report also discloses the further fact, that there is due to the school fund on account of loans made to the State, and from other sources, the sum of \$107,106.26, making a total amount of \$170,333.02 due the school fund, therefore,

*Resolved*, That the committee on finance be and they are hereby instructed to propose and report a bill, at an early day, authorizing the payment of said sum to the school fund, and directing that the same be distributed to the several counties in this State.

Which resolution was adopted.

Mr. Williams moved to suspend the order of business, and take up Senate Bill No. 38.

Which motion was agreed to.

Senate Bill No. 38. Entitled an act supplemental to an act, approved February 25, 1865, entitled "An act appointing commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith.

Was read a second time.

Mr. Williams moved the constitutional rule requiring bills to be read on three several days, be suspended, that the bill may be read a third time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Francisco,	Rhodes,
Beardsley,	Friedley of Scott,	Sarnighausen,
Beeson,	Gregg,	Scott,
Beggs,	Hall,	Slater,
Bird,	Harney,	Sleeth,
Boone,	Haworth,	Smith,
Bowman,	Hough,	Steele,
Brown,	Howard,	Stroud,
Carnahan,	Hubbard,	Taylor,
Cave,	Miller,	Thompson,
Daggy,	Neff,	Wadge,
Daugherty,	O'Brien,	Williams,
Dittemore,	Oliver,	Winterbotham,
Dwiggins,	Orr,	Mr. President—42.

No Senator voting in the negative.

So the rule was suspended, and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Daggy,	Howard,
Beardsley,	Daugherty,	Hubbard,
Beeson,	Dittemore,	Miller,
Beggs,	Dwiggins,	Neff,
Bird,	Francisco,	O'Brien,
Boone,	Friedley,	Oliver,
Bowman,	Gregg,	Orr,
Brown,	Hall,	Rhodes,
Bunyan,	Harney,	Sarnighausen,
Carnahan,	Haworth,	Scott,
Cave,	Hough,	Slater,



Sleeth,	Taylor,	Williams,
Smith,	Thompson,	Winterbotham,
Steele,	Wadge,	Mr. President—43.
Stroud,		

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of bill.

Mr. Williams moved that the Senate take up Senate Bill No. 124.

Which motion was agreed to.

Mr. Williams moved that the constitutional rule requiring bills to be read on three several days be suspended, that the bill may be read a second time now.

The ayes and noes being taken under the rule.

*Those who voted in the affirmative were, Messrs.:*

Armstrong,	Dwiggins,	Orr,
Beardsley,	Francisco,	Sarnighausen,
Beeson,	Friedley, of Scott,	Scott,
Beggs,	Glessner,	Slater,
Bird,	Gregg,	Sleeth,
Boone,	Harney,	Smith,
Bowman,	Haworth,	Steele,
Brown,	Hough,	Stroud,
Bunyan,	Howard,	Taylor,
Carnahan,	Hubbard,	Thompson,
Daggy,	Miller,	Williams,
Daugherty,	O'Brien,	Winterbotham—39.
Dittemore,	Oliver,	

No Senator voting in the negative.

So the rule was suspended.

Senate Bill No. 124. Entitled "A bill to define what shall be the salary of the Governor, the manner of paying the same and declaring an emergency."

Was read a second time.

Mr. Dittimore moved to amend as follows :

Strike out the words "seven thousand" and insert the words "eight thousand."

Mr. Dwiggins moved to amend the amendment as follows :

Strike out the word "seven" and insert in lieu thereof the word "eight," so that the bill will read, eight thousand dollars, also amend the bill so as to provide, that should the State furnish the Governor with a suitable residence then and in that case the salary of the Governor shall be five thousand dollars.

Mr. Steele moved that the amendment do lie on the table.

Which motion was agreed to.

The question recurring on the amendment offered by Mr. Dittimore.

Messrs. Daggy and Hough, demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Dittimore,	Scott,
Beardsley,	Dwiggins,	Slater,
Beeson,	Francisco,	Smith,
Beggs,	Glessner,	Sleeth,
Boone,	Gregg,	Steele,
Bird,	Hall,	Stroud,
Bowman,	Harney,	Taylor,
Brown,	Howard,	Thompson,
Carnahan,	Hubbard,	Wadge,
Cave,	Miller,	Williams,
Collett,	Oliver,	Winterbotham—35.
Daugherty,	Sarnighausen,	

*Those who voted in the negative were, Messrs.*

Bunyan,	Haworth,	O'Brien,
Daggy,	Hough,	Orr,
Friedley, of Scott,	Neff,	Mr. President—9.

So the amendment was agreed to.

Mr. Williams moved that the constitutional rule requiring bills to be read on three several days, be suspended, that the bill may be read a third time now.

The ayes and noes being taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Francisco,	Rhodes,
Beeson,	Friedley, of Scott,	Sarnighausen,
Beggs,	Glessner,	Scott,
Bird,	Gregg,	Slater,
Boone,	Harney,	Sleeth,
Bowman,	Haworth,	Smith,
Brown,	Hough,	Steele,
Carnahan,	Howard,	Stroud,
Cave,	Hubbard,	Taylor,
Collett,	Miller,	Thompson,
Daggy,	Neff,	Wadge,
Daugherty,	Oliver,	Williams,
Dittemore,	Orr,	Winterbotham—44.
Dwiggins,		

*Those who voted in the negative were, Messrs.*

O'Brien,	Mr. President—2.
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So the rule was suspended and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Boone,	Cave,
Beeson,	Bowman,	Collett,
Beggs,	Brown,	Daugherty,
Bird,	Carnahan,	Dittemore,

Dwiggins,	Miller,	Steele,
Francisco,	Oliver,	Stroud,
Glessner,	Sarnighausen,	Taylor,
Gregg,	Scott,	Thompson,
Hall,	Slater,	Wadge,
Harney,	Sleeth,	Williams,
Howard,	Smith,	Winterbotham—34.
Hubbard,		

*Those who voted in the negative were, Messrs.*

Bunyan,	Hough,	Orr,
Daggy,	Neff,	Rhodes,
Friedley, of Scott,	O'Brien,	Mr. President—10.
Haworth,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the bill.

On motion by Mr. Dittmore, the Senate adjourned.

## FRIDAY MORNING.

DECEMBER 6, 1872.

The Senate met.

Mr. Haworth moved to dispense with the reading of the Journal.  
Which was not agreed to.

Pending the reading of the Journal,

Mr. Rhodes moved to dispense with its further reading.  
Which was agreed to.

Message from the House, by Mr. Nixon, Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following concurrent resolution of the Senate, to-wit.:

WHEREAS, At the last session of the General Assembly of the State of Illinois, the Legislature of that State passed a joint resolution directing the Canal Commissioners to remove the Feeder Dam at Blue Island, in that State; and

WHEREAS, On the attempt of said commissioners to carry out the order of the Legislature in this particular, an injunction was served on them, restraining them from so doing; and

WHEREAS, Nothing definite has been done in the matter by the authorities of Illinois, and that the inhabitants of the counties of Lake and Porter in this State are suffering great inconvenience and loss, both in lands and in health, caused by the overflow of thousands of acres of valuable lands in said counties; therefore be it

*Resolved by the Senate, the House of Representatives concurring therein,* That the Attorney General of this State be, and he is hereby directed, to repair at once to Chicago, or to such point where the

court is held which issued said injunction, and learn the exact grounds on which such injunction is based, and see what prospect exists for the speedy removal of said nuisance, and report to the General Assembly at the earliest possible opportunity.

I am also directed to inform the Senate that the House has passed the following engrossed bills, to wit :

Engrossed House Joint Resolution No. 4. A joint resolution in relation to an appropriation by Congress for the improvement of the Ohio river.

Engrossed House Joint Resolution No. 6. A joint resolution in relation to the Indiana Reformatory Institution for Women and Girls.

Engrossed House Joint Resolution No. 7. A joint resolution in relation to an appropriation by Congress for the completion of the harbor at Michigan City.

Engrossed House Bill No. 35. A bill to amend an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State."

Engrossed House Bill No. 114. A bill to amend the first section of an act to authorize any person desiring to erect a flouring mill, or other machinery, to be propelled by water on his own land, to make a raceway below such mill, or machinery, through land belonging to other persons, and regulate the assessment and payment of damages thereof, approved March 1, 1853.

Engrossed House Bill No. 134. A bill to fix the time of holding circuit courts, and the length of the terms thereof, in the several counties comprising the Twelfth Judicial Circuit of the State of Indiana, and providing for the return of process thereto.

Engrossed House Bill No. 137. A bill to amend an act entitled "An act to revise, simplify and abridge the rules, practice and pleadings and forms in criminal action in the courts of this State."

Engrossed Senate Bill No. 65. A bill granting the consent of the State of Indiana to the purchase by the United States of certain lands for the purpose of the erection of a public building at Indianapolis, and ceding jurisdiction over the same.

Message from the Governor, by Mr. Commons, his Private Secretary.

MR. PRESIDENT:

By direction of the Governor, I have the honor to transmit herewith a communication in relation to the two per cent. fund of the States of Ohio, Indiana, and Illinois.

*Gentlemen of the Senate and House of Representatives:*

I beg leave respectfully to call your attention to the fact, that the States of Ohio, Indiana and Illinois, only received from the general government three per cent. of the proceeds of the sales of the public lands within their respective limits, while other States having public lands received five per cent. of the net proceeds of the sales thereof.

A bill is now pending in Congress, to put Ohio, Indiana and Illinois, on an equality with other States, before alluded to by paying to said three States respectively, the remaining two per cent. of the sales of the public lands within their respective limits as aforesaid. Should the bill pass, the amount payable to this State will exceed \$400,000; and believing that the claim is just, I respectfully recommend the passage of a joint resolution instructing our Senators and requesting our Representatives to cast their votes and use their influence in favor of its passage.

Hon. Isaac N. Morris, of Illinois, has been engaged in the presentation of the claims to Congress on behalf of the three States interested therein, and I have caused a pamphlet, of which he is the author, in which the merits of the claims are discussed, to be laid on the desks of the members of both Houses of the General Assembly.

Mr. Morris is to receive no compensation from this State for his services unless he is successful in securing the claims, and if he shall be successful, he is to receive such compensation, and only such, as the General Assembly may see proper to allow.

CONRAD BAKER,  
Governor.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Bird presented a petition from the citizens of Allen county, asking for the passage of a law authorizing county commissioners to appropriate money for the purpose of keeping canals in repair.

Which petition was read, and,

On motion,

Referred to the committee on the judiciary.

Mr. Hubbard presented a petition from the citizens of St. Joseph county, asking the repeal of the law incorporating the Kankakee Draining Company.

Which petition,

On motion,

Was referred to the committee on corporations without reading.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Hubbard, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate Bill No. 56, an act entitled an act to amend sections 22 and 57 of an act entitled an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, which section was amended March 2, 1855, and declaring an emergency, would respectfully report that they have had the same under consideration, and recommend its passage, with the following amendment:

1st. That subdivision seventh of section one be amended, so that it will read as follows:

“SECTION 7. To license, regulate, or restrain auction establishments, traveling peddlers, public exhibitions, the keeping of billiard tables for rent or hire, and the sale of spirituous, vinous, malt, and other intoxicating liquors, upon such terms and for such fees as they may prescribe by an ordinance or ordinances, not otherwise inconsistent with this act: *Provided*, that where such license shall be granted to keep a billiard table or tables, for rent or hire, the license fee required shall not exceed the sum of fifty dollars for each table to be so kept: *Provided, further*, that where such license shall be granted to sell spirituous, vinous, malt, and other intoxicating liquors, the fee required therefor shall not exceed the sum of one hundred dollars: *And provided further*, that no such license shall be issued



until the fee required therefor shall have been paid into the treasury of such town.

Which report was concurred in.

Mr. Hubbard, from the committee on corporations, made the following report :

MR. PRESIDENT :

The committee on corporations, to whom was referred Senate Bill No. 43, "An act to authorize the construction of levees, dykes and drains by incorporated companies, and to repeal all laws relating to the same subject," respectfully report that they have had the same under consideration, and recommend that it do lie on the table.

Which report was concurred in.

Mr. Hubbard, from the committee on corporations, made the following report :

MR. PRESIDENT :

The committee on corporations, to whom was referred Senate Bill No. 73, entitled "A bill to amend Sections 15 and 16 of an act entitled 'An act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties,' approved June 11, 1852, and providing for the election of the town marshal by the town trustees, and declaring an emergency," have had the same under consideration, and would respectfully recommend that Sections 5 and 6 of said bill be stricken out, and that with this amendment the same do pass.

Which report was concurred in.

Mr. Thompson, from the committee on benevolent institutions, made the following report :

MR. PRESIDENT :

The committee on benevolent institutions, to whom was referred Senate Bill No. 97, entitled "A bill to provide for the organization of an experimental school for the instruction of feeble-minded children," have had the same under careful consideration, and consider it as just and humane; but consider it inexpedient to recom-

mend its passage at this time, and would therefore recommend that it do lie on the table.

Mr. Collett moved to recommit the bill, with instructions to amend by inserting five thousand dollars per annum.

Which was agreed to.

Mr. Steele, from the Committee on the Organization of Courts, made the following report:

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 77, entitled an act to amend section 476 of an act entitled, "An Act to revise, simplify, and abridge the rules of practice, pleadings, and forms in civil cases in the courts of this State," report that they have had the same under consideration, and I am authorized by said committee to return the same to the Senate with the recommendation that the same do pass.

Which report was concurred in.

#### SPECIAL ORDER.

The hour of 10:30 having arrived, being the hour fixed for consideration of Senate Bill 85, the same was taken up.

Senate Bill No. 85. A bill to protect the Wabash and Erie Canal, and the tolls and revenues thereof from sale or sequestration for the satisfaction of the lien of certain bonds or stocks of the State, issued prior to the transfer of the said canal to the present Board of Trustees thereof, and to provide for the satisfaction of said bonds or stocks.

Mr. Brown offered the following:

Amend the first section of the act by striking out of the third line the words, "protect said," and out of the fourth line, immediately following said words, strike out the words, "Canal by taking," and and insert instead of the word "taking" the word "take," also, alter the word "redeeming" in the fourth line, to the word "redeem," and strike out the word "the" after the word "redeeming," and

insert the word "said," so that the section when thus amended will read, "That the Governor, Attorney-General, Secretary of State, and Treasurer of State, or a majority of them, be and they are hereby authorized and empowered to take up and redeem said bonds," etc.

Which amendments were adopted.

Mr. Brown moved to strike out the fourth section of the bill.

Which motion was agreed to.

Mr. Brown moved to strike out the fifth and sixth sections of the bill.

Which motion was agreed to.

Mr. Brown moved to change the numbers of the sections to correspond with the amended condition of the bill.

Which motion was agreed to.

Mr. Brown moved to amend the preamble to the bill as follows :

Strike out all of the present preamble and insert the following :

WHEREAS, There are still outstanding one hundred and seventy-one old bonds or certificates of stocks issued by and under the authority of the laws of this State prior to the year 1841, upon some of which no interest has been paid since January, 1841, and upon others which the interest has been settled up to July, 1868, therefor.

Which amendment was adopted.

Mr. Steele moved that the bill be considered engrossed and read a third time now.

Mr. Williams and Brown demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Collett,	Gooding,
Beeson,	Daggy,	Hall,
Bird,	Dittemore,	Haworth,
Brown,	Dwiggins,	Hough,
Bunyan,	Friedley, of Scott,	Howard,

Hubbard,	Rhodes,	Taylor,
Miller,	Rosebrugh,	Thompson,
Neff,	Sarnighausen,	Wadge,
O'Brien,	Scott,	Winterbotham,
Oliver,	Sleeth,	Mr. President—32.
Orr,	Steele,	

*Those who voted in the negative were, Messrs.*

Armstrong,	Dougherty,	Ringo,
Boone,	Francisco,	Slater,
Bowman,	Glessner,	Smith,
Carnahan,	Gregg,	Stroud,
Cave,	Harney,	Williams—15

So the bill was considered engrossed and read a third time.

The question being shall the bill pass?

On motion by Mr. Brown,

The Senate took a recess until 2 o'clock P. M.

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#### AFTERNOON SESSION, 2 O'CLOCK P. M.

The Senate reassembled.

Message from the House by Mr. Nixon, Clerk thereof:

**MR. PRESIDENT:**

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled act of the House of Representatives, to wit:

Enrolled Act No. 22. An act to amend the first section and the title of an act approved March 4, 1865, and entitled "An act providing for the completion of the unfinished business of any session of the General Assembly by the next succeeding special session of

the same General Assembly," and the same is herewith submitted to the Senate for the signature of the President thereof.

The question pending at the adjournment being on the passage of Senate Bill No. 85.

Mr. Steele demanded the previous question, which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

*Those who voted in the affirmative, were, Messrs.*

Beardsley,	Haworth,	Rosebrugh,
Beeson,	Hough,	Sarnighausen,
Brown,	Howard,	Scott,
Bunyan,	Hubbard,	Sleeth,
Collett,	Miller,	Steele,
Daggy,	Neff,	Taylor,
Dittemore,	O'Brien,	Thompson,
Dwiggins,	Oliver,	Wadge,
Friedley, of Scott,	Orr,	Winterbotham,
Gooding,	Rhodes,	Mr. President—30.

*Those who voted in the negative were, Messrs.*

Armstrong,	Cave,	Harney,
Beggs,	Daugherty,	Ringo,
Bird,	Francisco,	Slater,
Boone,	Glessner,	Smith,
Bowman,	Gregg,	Strond,
Carnahan,	Hall,	Williams—18.

So the bill passed.

The question being shall the title as read stand as the title of the bill?

Mr. Brown moved to substitute the following as the title of the bill:

"An act to provide for the payment of sundry funds or stocks of the State of Indiana, issued prior to the year 1841, and declaring an emergency."

Which motion was agreed to.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of the bill.

Messrs. Smith, Cave and Winterbotham asked and obtained leave of absence until Tuesday next.

Mr. Hubbard moved to reconsider the vote making Senate Bill No. 88 a special order for Tuesday next.

Which motion was agreed to.

Mr. Hubbard moved that the bill be read a second time now by sections, and referred to the committee on corporations.

Mr. Slater moved that the Senate do now adjourn.

Which motion was not agreed to.

Messrs. Rhodes and Neff asked and obtained leave of absence until Tuesday next.

The question recurring on the motion by Mr. Hubbard,

Mr. Brown moved to read the bill by its title and refer it to the committee on corporations.

Which motion was agreed to.

Mr. Steele introduced

Joint Resolution No. 7. A joint resolution in relation to the two per cent. claims of Ohio, Indiana and Illinois, now pending before Congress.

Which was read a first time.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Friedley, of Scott,	Rhodes,
Beardsley,	Glessner,	Ringo,
Beeson,	Gooding,	Rosebrugh,
Beggs,	Gregg,	Sarnighausen,
Bird,	Hall,	Scott,
Boone,	Harney,	Slater,
Bowman,	Haworth,	Sleeth,
Brown,	Hough,	Steele,
Bunyan,	Howard,	Stroud,
Cave,	Hubbard,	Taylor,
Daggy,	Miller,	Thompson,
Daugherty,	Neff,	Wadge,
Dittimore,	O'Brien,	Williams,
Dwiggins,	Oliver,	Winterbotham,
Francisco,	Orr,	Mr. President—45.

No Senator voting in the negative.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution?

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of the joint resolution.

Mr. Collett, from the committee on small bills, made the following report:

MR. PRESIDENT:

The committee to whom was referred Senate enrolled act No. 65, an act granting the consent of the State of Indiana to the purchase by the United States of certain lands, for the purpose of the erection of a public building at Indianapolis, and ceding jurisdiction over the same, have examined the same and find it correctly enrolled.

Mr. Boone moved to take up Senate Bill No. 39, and refer it to the committee on corporations.

Which motion was agreed to.

Mr. Rosebrugh moved that the Senate do now adjourn.

Which motion was not agreed to.

Messrs. Armstrong and O'Brien asked and obtained leave of absence until Monday next.

On motion by Mr. Thompson,

Leave of absence was granted to Mr. Chapman indefinitely.

Mr. Dittmore moved that the Senate do now adjourn until Monday next at 2 o'clock P. M.

Which motion was not agreed to.

Mr. Thompson presented a claim from O. M. Wilson, and moved that it be referred to the committee on claims without reading.

Which motion was agreed to.

The President laid before the Senate the following communication from the Reporter of the Supreme Court, in answer to the resolution of the Senate.

MR. PRESIDENT :

In compliance with a resolution of the Senate of this date, Nov. 27, 1872, calling upon me for information in regard to the reports of the decisions of the Supreme Court, I have the honor to say that said court has rendered opinions, not yet published in the Indiana Reports, in four hundred and sixty cases, of which I have official knowledge, being entitled by law to take them from the office of the clerk, not including those to appear in the Thirty-fifth Volume, which will be issued in a few weeks from this time. These, as nearly as I can estimate—none of them being of great length, and many of them being quite short—will make between two and three volumes, perhaps three. The printing of the Reports, when Volume Thirty-five shall have been issued, will be something over six months behind the time prescribed in the statute referred to in said resolution, for the following reasons :



When the present Judges came upon the bench of the Supreme Court, they rendered decisions with unprecedented rapidity, so that the printing and stereotyping facilities which had before sufficed for my predecessor and myself, became insufficient; and until a permanent increase of employment became assured, it was difficult to increase them without going out of the State. Prior to this increase in the business and work of the court, I had been able to perform the duties of my office with the slight assistance of a single clerk, and was not justified in the employment of experienced assistance. Since my recent re-election, I have with some difficulty, after trial of several persons, secured the necessary educated assistance, and have procured an adequate increase in my printing and stereotyping facilities, so that I shall soon be able to issue the volumes with such rapidity as to speedily bring the Reports within the usual period.

Which was read and referred to the committee on organization of courts.

Mr. O'Brien moved that the Senate do now adjourn until Monday next, at 2 o'clock, P. M.

Mr. Williams moved to lay the motion on the table.

Which motion was agreed to.

Mr. Hough moved the Senate do now adjourn.

Which motion was agreed to.

## SATURDAY MORNING.

DECEMBER 7, 1872, 10 O'CLOCK.

The Senate met.

Pending the reading of the Journal,

On motion by Mr. Wadge,

The further reading thereof was dispensed with.

Message from the House by Mr. Nixon, clerk thereof.

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed acts, to wit:

House Joint Resolution No. 8. A joint resolution in relation to the two per cent. claims of Ohio, Indiana and Illinois, now pending before Congress.

House Joint Resolution No. 9. A joint resolution in relation to an appropriation by Congress, for the improvement of the Wabash River.

House Bill No. 6. A bill creating the Indiana Centennial Association.

House Bill No. 36. A bill to amend sections 1 and 6 of an act, entitled, "An act to incorporate the Franklin Insurance Company," approved February 13, 1851.

House Bill No. 59. A bill to amend section 6 of an act, entitled, "An act to amend an act, entitled, 'an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county or township officers in relation thereto,' " approved March 5, 1859, approved December 20, 1862.

House Bill No. 139. A bill relating to expenses incurred by one county by change of venue from another county.

House Bill No. 144. A bill to provide for the crossing of railroads, the keeping in repair of such crossings, and providing for the expense thereof.

House Bill No. 155. A bill providing for a general system of common schools, in all cities of eight thousand or more inhabitants, for the election of a board of school commissioners for such cities, and defining their duties, and prescribing their powers; for providing for school libraries in such cities, and providing that cities having a less population than eight thousand inhabitants, may, by a majority vote of the members of the common council, order the election of a board of school commissioners, according to the provisions herein, and defining their powers and duties, and repealing all laws in conflict therewith, and declaring an emergency. Also,

Senate Bill No. 8. A bill providing for the holding of courts in the Twenty-fifth Common Pleas District of the State of Indiana, and declaring an emergency. Also,

Senate Bill No. 38. A bill supplemental to an act approved February 25, 1865, entitled, "An act appointing commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith."

Senate Bill No. 124. A bill to define what shall be the salary of the Governor, the manner of paying the same, and declaring an emergency.

#### PETITIONS, MEMORIALS, ETC.

Mr. Scott presented a memorial from the President of the Terre Haute and Indianapolis Railroad Company, in reference to the claims of the School Fund against said road.

Which memorial, was,

On motion by Mr. Scott,

Ordered to lie on the table, and 200 copies ordered printed.

Mr. Hall presented a petition on the subject of railroads, which was referred to the committee on railroads without reading.

Mr. O'Brien presented a claim, which was referred to the committee on claims, without reading.

Mr. Thompson presented claim of Eliza Black,

Which,

On motion, was

Referred to the committee on claims, without reading.

Mr. Sleeth presented a claim, which was referred to the committee on claims, without reading.

Mr. Daugherty presented a claim of George D. Harrison, which was referred to the committee on claims, without reading.

Message from the House, by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled Senate act, to wit:

Enrolled Act 65, Senate. An act granting the consent of the State of Indiana to the purchase by the United States of certain lands for the purpose of the erection of a public building at Indianapolis, and ceding jurisdiction over the same.

Mr. Hubbard, from the committee on corporations made the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate Bill No. 88, entitled "An act to authorize and encourage the construction of levees, dykes, drains, and ditches, and the reclamation of wet and overflowed lands by incorporated associations, and providing for the organization of such associations, and prescribing their powers, and providing for the assessment of the cost of such improvements, and the expenses attending the same, upon the lands benefitted thereby, and for the collection of such assessments," have had the same under consideration, and respectfully recommend the following amendments:

Amend section 2, by inserting after the word "appointment," in the second line, these words, "from the members of the association resident in the county where such vacancy occurs; such appointment to."

Amend section 13, by inserting after the word "extend," in the second line, these words, "and shall present to the said Board of Commissioners a petition signed by one-third of the resident land owners, including members of the corporation of each county interested in the proposed work, praying for the appointment of appraisers; and on proof that one-third of such land owners are petitioning therefor, it shall be the duty of the Board of Commissioners."

Also, strike out of the third line of said section 13, the words, "whose duty it shall be."

Amend section 14, by inserting after the word "owners," in the fifteenth line, the words, "of such lands;" and by striking out the words, "the State of Indiana," in the fifteenth line, and inserting in lieu thereof the words, "county or State." After the word "same," in the 16th line of said section 14, insert the words, "to them."

Amend section 15, by inserting in line 6, after the word "association," the words, "specified in the application to the Board of Commissioners under the 13th section of this act." Also insert after the word "association," in the 7th line of said section 15, these words, "specified in such applications." Also insert after the words "work and," in the 13th line of said section 15, the word "schedule" in lieu of the word "assessment."

Amend section 17, by adding thereto these words, "and shall correct the said schedules in the amounts of benefits or injury, description of property, name of owners, as to them shall seem right and proper according to the facts."

Amend section 19, by inserting after the word "their," in the second line, the words "schedule of." And in lieu of the word "are" in the second line, the word "their." And after the word "same," in the fifth line, insert the words, "together with the copy of the order of the Board of Commissioners, appointing such appraisers, delivered to them." And after the word "each," in the sixth line, insert the words "schedule of." And after the word "him," in the seventh line, insert the words, "together with such copy of the order of

appointment." Also add to said section 19 these words: "unless said deficiency shall be donated and paid into the treasury, or subscribed and secured to be paid on the call of the Directors, in the same manner and instalments as are provided for the payment of assessment of benefits."

Amend section 21, by inserting after the word "owning," in the first line, the words "or having any interest in." Also, strike out the words "the appeal," before the period in the tenth line, and insert the word "complaint." Also, strike out the word "fifth," in the twenty-sixth line, and insert in lieu thereof the word "tenth." Also, strike out the word "second," in the seventh line of section 23, and insert the word "amount" in lieu thereof.

Amend the 24th section by striking out the word "fifth" in the thirty-second line, and inserting the word "tenth" in lieu thereof.

Amend the 26th section by inserting after the word "assessed" in the second line the words "and accrued."

Amend the 27th section by adding thereto the words "for the original or main line."

Amend section 28, so as to read as follows: Be it further enacted, that an act entitled "An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relating to the same subject," which took effect without Executive approval May 22, 1869; and an act entitled "An act supplemental to an act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands, and to repeal all former laws relating to the same subject," which act took effect May 29, 1869, and prescribing penalties for the violation of the provisions thereof," approved February 23, 1871, be and the same are hereby repealed.

Add the following sections:

Section 29. Nothing in this act contained shall authorize any company now, or hereafter organized, to issue or sell bonds for any purpose whatever.

Section 30. An emergency exists for the immediate taking effect of this act, it shall, therefore, take effect and be in force from and after its passage.

The committee recommend that the title be amended by adding

the words, "and repealing certain acts therein specified, and declaring an emergency," and after the above amendments the committee recommend the passage of the bill.

Mr. Brown moved to make the report and the bill a part of the special order for Tuesday next at 2 o'clock P. M.

Mr. Dwiggins moved to amend the motion, so as to concur in the report, and make the bill and amendments a part of the special order.

Mr. Sleeth called for a division of the question.

The question being on concurring in the report of the committee, It was not agreed to.

The question then being on the motion to make the bill and amendments part of the special order for Tuesday next, at 2 P. M.

It was agreed to.

Mr. Hubbard, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations. to whom was referred Senate Bill No. 27, an act to legalize certain acts of corporations organized, or attempted to be organized, under and by virtue of an act authorizing the construction of plank, macadamized and gravel roads, approved May 12, 1852, and acts supplemental thereto, respectfully report that they have had the same under consideration, and recommend the following amendment:

After the word "occurred" in the twenty-ninth line of section 1, insert the following words, "Section 2. That any amendment heretofore made by the proper Board of Directors of any such company, to their articles of association, are hereby legalized and made valid from the time such amendments were made.

That section number 2 in the bill, be numbered "3," and after such amendments are made, the committee recommend the passage of the bill.

Which report was concurred in.

Mr. Hubbard, from the committee on corporations, made the following report :

MR. PRESIDENT :

The committee on corporations, to whom was referred Senate Bill No. 39, a bill to amend an act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all laws relating to the same subject which took effect without executive approval, on the 22d day of May, 1869 ; for the repeal of the 13th section thereof, and declaring an emergency, have had the same under consideration, and recommend that it do lie on the table.

Which report was concurred in.

Mr. Thompson, from the committee on benevolent institutions, made the following report :

MR. PRESIDENT :

The committee on benevolent institutions, to whom was referred Senate Bill No. 94, entitled "An act concerning homes for friendless women, the collection and payment of fines and forfeitures, and declaring an emergency," have instructed me to report the same back, with sundry amendments herewith submitted.

Amend the first section of the act by striking out all after the enacting clause of said first section, and insert in lieu thereof the following: "That in all incorporated cities of this State, where there is now, or shall hereafter be, established an incorporated home for friendless women, incorporated under the laws of this State, all fines and penalties assessed and collected by the Mayor, or other judicial officers of such city, for the breach of any ordinance of such city, in relation to houses of prostitution, or in relation to the keepers, frequenters or inmates thereof, or for the breach of any ordinance of such city for the suppression of vice and immorality, or for the suppression of houses of ill-fame, or for the punishment of the keepers, frequenters or inmates thereof, when so collected shall be paid over to the trustees of such home for friendless women, in such city, to be applied in defraying the current expenses of such home.



**SECTION 2.** That in all incorporated cities in this State where there is or shall be established a home for friendless women, such as described in the first section of this act, all fines and penalties imposed or assessed and collected by the Mayor or other judicial officers of said city, for the breach of any ordinance against professional gambling, or gaming or gambling of any kind, or against the keepers of gambling houses or the frequenters or inmates thereof, when so collected shall be paid over by the city authorities to the board of trustees of such home for friendless women, in such city, for the purpose specified in the last section.

Further amend the act by inserting the following section immediately after section 2, to be numbered section 3, to wit :

**SEC. 3.** Whenever any person shall be arrested for the breach of any of the ordinances mentioned in either of the foregoing sections, and shall give a bond or recognizance, with or without security, conditioned for his appearance, before the Mayor or any other judicial officer, having jurisdiction to try the case, to answer the charge, and such bond or recognizance shall be forfeited, such forfeitures when collected shall be paid to the Trustees of the Home for Friendless Women, which may then exist in such city as aforesaid.

Amend further by inserting the following section immediately after section 3, to be numbered section 4.

**SEC. 4.** The Mayor or other officer collecting any fine contemplated by this act, shall keep a separate account thereof, and at the end of each period of three months from and after the taking effect of this act, such Mayor or other officer shall pay the amount so collected during the preceding three months into the city treasury for the use of the trustees of such Home for Friendless Women, and said mayor shall, at the same time, make a detailed statement to the city council showing the amount that has been so paid into the city treasury, and on what account collected, and that it belongs to the said trustees under the provisions of this act, and thereupon the common council of such city shall make an order for the payment of the same to said trustees, for the purpose aforesaid, and the same shall be paid accordingly.

Also amend by adding another section after said section 4, to be numbered section 5, and to read as follows :

SEC. 5. It shall be the duty of the Trustees of such Home for Friendless Women, on or before the tenth day of January of each year, to make a detailed report to the common council of such city, of the operations and business affairs of such Home, with a statement of the receipts and expenditures thereof, and such other matters as are usually embraced in reports of kindred institutions, for the year ending on the 31st day of the preceding December.

Also, amend by changing the number of the section which is now designated as section "3" of the act to section "6."

Also, to strike out the figure "4" where it is used to number the last section of the act, and insert in lieu thereof the figure "7."

Amend the title of the act by striking out the present title and inserting the following:

"An act concerning the application of certain fines, penalties and forfeitures, collected in the enforcement of certain city ordinances in cities having therein incorporated homes for friendless women."

When so amended, the committee recommend that the bill do pass.

Which report was concurred in.

Mr. Dwiggins, from the committee on banks, made the following report:

MR. PRESIDENT:

The committee on banks, to whom was referred Senate Bill No. 63, entitled "An act in relation to promissory notes, bank checks and bills of exchange, and to designate the holidays to be observed in the presentment, acceptance and payment of the same," have had the same under consideration, and direct me to report the same back, with a recommendation that it do pass.

Which report was concurred in.

Mr. Dwiggins, from the committee on banks, made the following report:

MR. PRESIDENT:

The committee on banks, to whom was referred Senate Bill No. 99, entitled "An act to authorize sureties upon notes, bills, or other

instruments in writing, who have been compelled to pay the same for their principals, to collect of the principals interest on the amount paid by such sureties, at the rate provided for in such original notes, bills, bonds, or other instruments in writing, held against such principals," have had the same under consideration, and have directed me to report the same back, with a recommendation that it do pass.

Which report was concurred in.

Mr. Beardsley, from the committee on manufactures, made the following report:

MR. PRESIDENT:

The committee on manufactures, to whom was referred Senate Bill No. 96, "An act to encourage manufacturing in this State, and legalizing conveyances of real estate, by and to foreign manufacturing companies," have had the same under consideration, and recommend that the bill be amended by striking out of the 8th and 9th lines of the first section the words, "not exceeding forty acres," and after such amendment the committee would recommend the passage of the bill.

Which report was concurred in.

Mr. O'Brien, from the committee on public printing, made the following report:

MR. PRESIDENT:

The committee on public printing, to whom was referred the resolution to inquire into raised vouchers of State Printers, have had the same under consideration, and recommend that the words, "the President of the Senate appoint a select committee of five members of the Senate," be struck out, and insert in lieu thereof, "the committee on public printing," and with this amendment the resolution ought to be adopted.

Which report was concurred in.

Mr. Oliver, from the committee on public buildings, made the following report:

S. J.—17

MR. PRESIDENT:

The committee to whom was referred the resolution to inquire into the condition of the ventilation of the Senate Chamber, have had the same under consideration, and have instructed me to report the following:

1st. Open two more flues for the escape of heated air on the east and west sides of the sky-light, by placing the sash on pivots, so that the flues can be opened and closed with a cord from below.

2d. Direct the doorkeeper to put the ventilation of the Chamber under the charge of one person, and relieve that person during the session of the Senate from all other duties, and require him to keep the Chamber at a uniform temperature.

3d. That greater caution be exercised in keeping the register in the floor free from filth of all kinds, by assisting the doorkeeper in his efforts in that direction. The committee believe that with these improvements the Chamber will be more healthy and endurable.

Which report was concurred in.

The President announced that he had signed Enrolled Act of the Senate No. 65.

Mr. Daggy, from the majority of the committee on the organization of courts, made the following report:

MR. PRESIDENT:

A majority of the committee on the organization of courts, to whom was referred Senate Bill No. 52, entitled "A bill dividing the State into Supreme Court Judicial Districts;" as also Senate resolution requesting information from the Clerk of the Supreme Court as to the business of said court; as also the response of said Clerk thereto: have had the same under consideration, and directed me to report the same back with the following amendments:

Strike out all after the enacting clause, and insert the following: "That the counties of Monroe, Owen, Clay, Parke, Morgan, Sullivan, Green, Knox, Daviess, Martin, Dubois, Pike, Gibson, Posey, Vanderburg, Warrick, Spencer, Perry and Orange, shall constitute the First Supreme Court Judicial District.

SEC. 2. That the counties of Ohio, Rush, Switzerland, Dearborn,

Shelby, Brown, Lawrence, Crawford, Harrison, Floyd, Clark, Scott, Jefferson, Ripley, Decatur, Bartholomew, Jackson, Washington and Jennings, shall constitute the Second Supreme Court Judicial District.

SEC. 3. That the counties of Tippecanoe, Johnson, White, Warren, Fountain, Montgomery, Clinton, Boone, Tipton, Hamilton, Marion, Vermillion, Putnam, Hendricks and Vigo, shall constitute the Third Supreme Court Judicial District.

SEC. 4. That the counties of Allen, Whitley, Huntington, Wells, Adams, Grant, Blackford, Jay, Delaware, Randolph, Howard, Madison, Hancock, Henry, Wayne, Fayette, Union and Franklin, shall constitute the Fourth Supreme Court Judicial District.

SEC. 5. That the counties of Lake, Benton, Porter, LaPorte, St. Joseph, Elkhart, Kosciusko, Marshall, Stark, Jasper, Newton, Pulaski, Fulton, Wabash, Miami, Cass, Carroll, LaGrange, Steuben, DeKalb and Noble, shall constitute the Fifth Supreme Court Judicial District.

SEC. 6. That there being no judge in the district provided for in the fifth section of this act, the Governor of the State be and he is hereby authorized to appoint a Supreme Judge for said Fifth Judicial District, to serve until his successor shall be duly elected and qualified.

SEC. 7. That all laws inconsistent herewith are hereby repealed.

SEC. 8. Whereas, an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

Mr. Hongli, from the committee on the organization of courts, submitted the following minority report :

MR. PRESIDENT:

The undersigned member of the committee on the organization of courts, to whom was referred Senate Bill No. 52, respectfully dissent from the report of the majority of said committee on said bill, for the reason that the same does not, in his opinion, comply with the requirements of section 3, article 7, of the constitution, which provides that such districts (as the bill seeks to establish) shall

be formed of contiguous territory, as nearly equal in population as, without dividing a county, the same can be made. A comparison of the population of the different districts as fixed by the bill, will show a variance between some two of them, amounting to about six thousand, which variance can be very considerably diminished, and at the same time so establish the districts, as to put them in a more compact form, which purposes can be accomplished, and the constitutional requirements more nearly complied with by the passage of the bill herewith submitted, and recommended by said dissenting member of said committee, and as the minority thereof, as a substitute for said Bill No. 52, to-wit:

Strike out all after the enacting clause, and insert the following: "that this State shall be and is hereby divided into five Supreme Judicial Districts, as follows, to wit:

The counties of Posey, Gibson, Vanderburg, Knox, Sullivan, Clay, Monroe, Green, Daviess, Martin, Lawrence, Orange, Dubois, Pike, Warrick, Spencer, Perry, Crawford, Owen and Harrison, shall constitute the first district.

The counties of Morgan, Johnson, Brown, Jackson, Washington, Floyd, Clark, Scott, Jefferson, Jennings, Bartholomew, Shelby, Decatur, Ripley, Switzerland, Ohio, Dearborn, Franklin and Union, shall constitute the second district.

The counties of Fayette, Rush, Hancock, Henry, Wayne, Randolph, Delaware, Madison, Hamilton, Tipton, Howard, Cass, Miami, Grant, Blackford, Jay, Wabash and Adams, shall constitute the third district.

The counties of Marion, Hendricks, Putnam, Vigo, Parke, Vermillion, Fountain, Montgomery, Boone, Clinton, Warren, Tippecanoe, Carroll, White, Benton and Newton, shall constitute the fourth district.

And the counties of Allen, Huntington, Kosciusko, Fulton, Pulaski, Jasper, Lake, Porter, Laporte, St. Joseph, Elkhart, Starke, Marshall, Lagrange, Noble, DeKalb, Steuben, Whitley and Wells, shall constitute the fifth district.

SEC. 2. There being no Judge of the Supreme Court now residing within the third district established and fixed by section 1 of this act, the Governor shall, upon the taking effect hereof, forthwith appoint and commission some qualified person, judge, to fill the vacancy in said third district, who shall hold his office as such, and

perform the duties thereof, until his successor shall be elected and qualified.

SEC. 3. At the next general election to be hereafter holden in this State, there shall be elected one Judge of the Supreme Court for and residing within said third district.

SEC. 4. An act entitled "An act districting the State for the purpose of electing four Judges of the "Supreme Court," approved February 19, 1852, is hereby repealed.

SEC. 5. An emergency is hereby declared for the immediate taking effect of this act; the same shall therefore take effect and be in force from and after its passage.

All of which is respectfully submitted.

WM. R. HOUGH.

Mr. Glessner moved that the majority and minority reports do lie on the table and be made the special order for Monday next at 2 o'clock P. M.

Mr. Dittmore moved to amend by striking out "Monday next" and inserting "this day."

Mr. Glessner moved that the amendment do lie on the table.

Which motion was agreed to.

The question recurring on the motion of Mr. Glessner to make the reports a special order for Monday,

It was agreed to.

Mr. Collett, from the committee on engrossed bills, made the following report:

MR. PRESIDENT:

The committee on engrossed bills would respectfully report that they have examined and compared engrossed Senate Bill No. 85, and find it correctly engrossed.

Mr. O'Brien, from the committee on the organization of courts, made the following report:

MR. PRESIDENT:

The committee on the organization of courts, to whom was referred Senate Bill No. 51, entitled "An act to amend section one of an act entitled 'An act to organize a Supreme Court, and prescribing certain duties of the judges thereof,' approved May 13, 1852," report that they have considered the same, and report the same back, and recommend that the bill do pass.

Which report was concurred in.

Mr. O'Brien presented a petition from the citizens of Cicero, Hamilton county.

Which was referred to the committee on corporations without reading.

Mr. Glessner, from the committee on the organization of courts, made the following report:

MR. PRESIDENT:

The committee on the organization of courts, to whom was referred Senate Bill No. 98, introduced by Senator Boone, entitled "A bill to amend section 19 of an act entitled 'An act prescribing the powers and duties of justices of the peace,' approved May 29, 1852," report that they have had the same under consideration, and a majority of the committee recommend that the bill do lie on the table.

Which report was concurred in.

Mr. Hough, from the committee on the organization of courts, made the following report:

MR. PRESIDENT:

The committee on the organization of courts, to whom was referred Senate Bill No. 30, entitled "A bill to amend the title and the first section of an act to organize a Supreme Court, and prescribing certain duties of the judges thereof," have had the same under consideration, and have directed me to report the same back to the Senate, with the recommendation that the same be laid on the table, for the reason that the subject-matter thereof is included in Senate



Bills Nos. 51 and 52, the passage of which have been recommended by the majority of the committee.

Which report was concurred in.

Mr. Daggy, from the committee on the organization of courts, made the following report:

MR. PRESIDENT:

The committee on the organization of courts, to whom was referred House Bill No. 32, entitled "A bill to provide for the time of holding the Court of Common Pleas in the Sixteenth Judicial District of the State, and to repeal all laws in conflict therewith," have had the same under consideration, and direct me to report the same back, recommending its passage.

Which report was concurred in.

Mr. Daggy, from the committee on the organization of courts made the following report:

MR. PRESIDENT:

The committee on the organization of courts, to whom was referred House Bill No. 49, entitled, "A bill creating the Twenty-second Judicial Circuit of Indiana, and fixing the time of holding courts therein," have had the same under consideration, and directed me to report the same back, recommending its passage.

Which report was concurred in.

Mr. Daggy, from the committee on the organization of courts made the following report:

MR. PRESIDENT:

The committee on the organization of courts, to whom was referred Senate Bill No. 68, entitled "An act to amend the second section of an act creating the Twenty-third Common Pleas District, and making provisions therefor," and repealing all conflicting laws approved March 11, 1867, providing for the return of process, and declaring an emergency, have had the same under consideration, and

directed me to report the same back, with the recommendation that it do pass.

Which report was concurred in.

Mr. O'Brien, from the committee on the rights and privileges of the inhabitants of the State, made the following report :

MR. PRESIDENT :

The committee on the rights and privileges of the inhabitants of the State of Indiana, to whom was referred Senate Bill No. 95, entitled "A bill to protect rivers, streams, or bodies of water, from which water is taken for the use of the cities, towns, villages, or benevolent institutions, and providing a penalty for a violation," report that they have had the same under consideration, and recommend that the same be amended as follows: That the words "five hundred" be stricken out of the second section, and the word "twenty" inserted in lieu thereof, and when so amended the committee recommend that the bill do pass. That after the bill shall have passed, the words "A bill" be stricken out of the title and the words "An act" be inserted in lieu thereof.

Which report was concurred in.

Mr. Glessner, from the committee on the rights and privileges of the inhabitants of the State, made the following report.

MR. PRESIDENT :

The committee on rights and privileges of the inhabitants of the State, to whom was referred Senate Bill No. 84, introduced by Senator Stroud, entitled "An act to protect the citizens of this State against empiricism," etc., have had the same under consideration, and a majority of the committee have directed me to report back the bill with a recommendation that it do lie on the table.

Which report was concurred in.

On motion by Mr. Bittmore,

The Senate took a recess until 2 o'clock P. M.

## AFTERNOON SESSION.

The Senate re-assembled at 2 o'clock P. M.

Mr. Brown, from the committee on railroads, made the following report:

MR. PRESIDENT:

The committee on railroads, to whom was referred Senate Bill No. 6, entitled "An act to regulate and make uniform the prices charged by railroad companies for transporting passengers, goods, wares, merchandise and other property, to and from stations on railroads in the State of Indiana, declaring the duties of certain officers in relation thereto, providing penalties for the violation thereof, and declaring an emergency," have instructed me to report the bill back to the Senate, with the several amendments hereunto attached and herewith submitted:

Amend the 1st section by inserting in the second line, after the words "railroad companies," the words, "or other companies or persons."

Amend further by striking out Section 2.

Amend further by numbering Section 3 as Section 2, and Section 4 as Section 3, and Section 5 as Section 4.

Amend Section 4 by inserting in the first line thereof, after the words "railroad companies," the words "or other companies or persons."

Amend also by inserting a new section immediately before Section 6, to wit:

Section 5. Nothing contained in this act shall be so construed as to confer or imply any exemption on the part of any railroad company, or other company or person from the common law duty applicable to common carriers, of carrying freight and passengers for a reasonable compensation or reward.

Amend the title by striking out the present title and inserting the following: An act concerning the transportation of freight and passengers over railroads within this State.

And to recommend the adoption of said amendments, and to further recommend that after their adoption the bill do pass.

Mr. Williams moved that the report and bill do lie on the table.

Which motion was not agreed to.

Mr. Dittmore moved that the report and bill, together with Senate Bill No. 115 be made the special order for Thursday next at 10 o'clock A. M.

Which motion was agreed to.

Mr. Gregg offered the following :

*Resolved*, That the committee on the judiciary be instructed to report back to the Senate, Senate Bill No. 21 on Monday next.

Which resolution was adopted.

Mr. Beardsley offered the following :

WHEREAS, Under the existing laws the valuation of property for taxation is unequal and unjust, therefore,

*Resolved*, That the committee on finance be instructed to inquire into the propriety of a general revision of the laws of the State relating to taxation.

Which resolution was adopted.

Mr. Daggy offered the following :

*Resolved*, That the committee on temperance be requested to report as to the expediency of preparing and reporting to the Senate a bill on the subject of retailing spirituous and intoxicating liquors, containing the provisions following :

1. That no license for such sale and retailing of liquors shall be granted except upon petition to the Board of Commissioners, signed by a majority of all persons over twenty-one years old within the jurisdiction where such petitioner desires to sell, and

2. That licensed liquor dealers shall be responsible for damages caused, wholly or partially, by intoxication they have been instrumental in producing.

Which resolution was adopted.

Messrs. Sleeth and Haworth, asked and obtained leave of absence until Monday next at 2 o'clock P. M.,

## INTRODUCTION OF BILLS.

Mr. Hall introduced

Senate Bill No. 130. An act to establish a sanitarium and providing for the government thereof, and repealing all conflicting laws, and declaring an emergency.

Was read a first time.

Mr. Taylor introduced

Senate Bill No. 131. An act supplemental to an act, entitled "An act to establish a female prison and reformatory institution for girls and women, and to provide for the organization and government thereof, and making appropriations," approved, May 13, 1869.

Was read a first time.

Mr. Brown introduced

Senate Bill No. 132. A bill to amend the twentieth section of an act approved May 13, 1869, and entitled "An act to establish a female prison and reformatory institute for girls and women: to provide for the organization and government thereof, and making appropriations."

Was read a first time.

Mr. Scott introduced

Senate Bill No. 133. An act to provide for a more improved system of college and university education, and providing for the disposition of the war bonds of the State, and for the construction of certain buildings in the city of Indianapolis, and other matters properly connected therewith, and declaring an emergency.

Was read a first time.

Mr. Friedley, of Scott, introduced .

Senate Bill No. 134. A bill to create the Twenty-sixth Judicial District of the Court of Common Pleas, defining what counties shall compose the same, fixing the time of holding courts therein, and

the duration of the terms thereof, and making all process from the present Common Pleas Court therein returnable to such terms; providing for the appointment of a Judge and District Attorney for said district; declaring when the same shall take effect, and repealing all laws inconsistent therewith.

Was read a first time.

Mr. Gooding introduced

Senate Bill No. 135. An act defining what county shall constitute the Thirtieth Judicial Circuit, and fixing the time of holding courts therein, providing for the return of process, and declaring a vacancy in the office of Judge, and declaring an emergency.

Was read a first time.

Mr. Friedley, of Scott, asked and obtained leave of absence until Tuesday next, at 10 A. M., for Mr. Orr, on account of sickness in his family.

Mr. Thompson introduced

Senate Bill No. 136. Entitled an act pertaining to division walls and digging cellars, where there is adjoining property of another person in cities and towns.

Was read a first time.

Mr. Hough introduced

Senate Bill No. 137. An act to fix the time of holding the Courts of Common Pleas in the Eleventh Judicial District, and repealing all other laws on the same subject.

Was read a first time.

Mr. Taylor introduced

Senate Bill No. 138. A bill prescribing the limitation of civil actions, and proceedings upon judgments and decrees of courts, and repealing all laws in conflict therewith.

Was read a first time.

Mr. Beardsley introduced

Senate Bill No. 139. A bill to enable railroad companies to alter their lines under certain cases, and declaring an emergency.

Was read a first time.

Mr. Howard introduced

Senate Bill No. 140. A bill to amend section 3 and repeal section 4 of an act entitled "An act prescribing who may make a will, the effect thereof; what may be devised; regulating the revocation, admission to probate, and contest thereof," approved May 31, 1852.

Was read a first time.

#### ENGROSSED HOUSE BILLS ON FIRST READING.

Engrossed House Bill No. 6. A bill creating the Indiana Centennial Association.

Was read a first time.

{ Engrossed House Bill No. 35. A bill to amend an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State.

Was read a first time.

Engrossed House Bill No. 36. A bill to amend sections 1 and 6 of an act entitled "An act to incorporate the Franklin Insurance Company," approved February 13, 1851.

Was read a first time.

Engrossed House Bill No 59. A bill to amend section 6 of an act entitled an act to amend an act entitled "An act providing for the election and appointment of Supervisors of highways and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859, approved December 20, 1865.

Was read a first time.

Engrossed House Bill No. 70. A bill to enable counties bordering on the State lines or rivers forming State boundaries and townships and cities therein to aid in the construction of railroads opposite such counties in other States to run to such counties, or to the

State line, or river forming the State boundary bordering such county, or to form connection with other railroads in such counties, and prescribing the duties of the officers of such counties for that purpose, and authorizing such cities to issue bonds for such aid, and declaring an emergency.

Was read a first time.

Mr. Brown moved that when the Senate adjourn it stand adjourned until Monday next at 2 o'clock P. M.

Which motion was agreed to.

Mr. Rosebrugh moved that the Senate do now adjourn.

Which motion was not agreed to.

Engrossed House Bill No. 71. A bill to amend section 60 of an act entitled "An act to repeal all general laws, now in force, for the incorporation of cities and prescribing their powers and rights, and the manner in which they shall examine the same, and to regulate such matters as properly pertain thereto," approved March 14, 1867.

Was read a first time.

Mr. Slater moved the Senate do now adjourn.

Which motion was not agreed to.

Engrossed House Bill No 117. A bill to amend the first section of "An act to authorize any person desiring to erect a flouring mill or other machinery to be propelled by water, on his own lands, to make a raceway below such mill or machinery, through lands belonging to other persons, and to regulate the assessment and payment of damages thereof," approved March 1, 1853.

Was read a first time.

Mr. Bunyan asked and obtained leave of absence until Tuesday next at 2 o'clock P. M.

Engrossed House Bill No. 134. A bill to fix the time of holding Circuit Courts and the length of the terms thereof in the several counties comprising the Twelfth Judicial Circuit of the State of Indiana, and providing for the return of process thereto.

Was read a first time.



Engrossed House Bill No. 137. A bill to amend an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in criminal actions in the Courts of this State.

Was read a first time.

Engrossed House Bill No. 139. A bill relating to expenses incurred by one county by change of venue from another county.

Was read a first time.

Engrossed House Bill No. 144. A bill to provide for the crossing of railroads, the keeping in repair such crossing, and providing for the expense thereof.

Was read a first time.

Engrossed House Bill No. 155. A bill providing for a general system of common schools in all cities of eight thousand or more inhabitants; for the election of a Board of School Commissioners for such cities, and defining their duties and prescribing their powers; for providing for school libraries in such cities, and providing that cities having a less population than eight thousand inhabitants, may, by a majority vote of the members of the common council, order the election of a Board of School Commissioners according to the provisions herein, and defining their powers and duties, and repealing all laws in conflict therewith, and declaring an emergency.

Was read a first time.

Engrossed House Bill No. 162. A bill to authorize cities to correct the erroneous listing, description, and assessment of real estate, liable to city taxes, and when so corrected, to collect all taxes due thereon; and to list, assess, and collect taxes on any property liable to city taxes, of any person or persons who have furnished the assessor with a false or defective statement of his or their property, and the value thereof.

Was read a first time.

On motion by Mr. Steele,

The Senate adjourned until Monday, at 2 o'clock P. M.

## MONDAY AFTERNOON.

DECEMBER 9, 1872, 2 O'CLOCK.

The Senate met.

On motion by Mr. Gregg,

The reading of the journal was dispensed with.

## SPECIAL ORDER.

The hour of 2 P. M. having arrived, being the hour fixed for the consideration of special order, to wit :

Senate Bills No. 51 and No. 52, with the accompanying reports thereon, the same were taken up.

Senate Bill No. 51. A bill to amend section 1 of an act entitled "An act to organize a Supreme Court, and prescribing certain duties of the judges thereof."

Was read a second time, and ordered to be engrossed for a third reading.

Mr. Hall made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills direct me to report that they have compared House Bill No. 92, a bill to amend an act entitled "An act to establish a House of Refuge," and House Bill No. 98, an act making certain appropriations, and find them to agree with the engrossed bills.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives

to inform the Senate that he has signed the following enrolled acts of the House, to-wit :

Enrolled Act, No. 92, House of Representatives. A bill to amend an act entitled "An act to establish a House of Refuge for the correction of juvenile offenders," approved March, 1867, and repealing section 11 of said act.

Enrolled Act No. 98, House of Representatives. A bill to make certain specific appropriations therein mentioned.

And the same are herewith transmitted to the Senate for the signature of the President thereof.

The President announced that he had signed Enrolled Acts of the House Nos. 92 and 98.

Senate Bill No. 52, with the majority and minority reports thereon, was then taken up.

Mr. Dittmore moved the minority report do lie on the table.

Mr. Hough and Sleeth demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Dougherty,	O'Brien,
Bird,	Dittmore,	Oliver,
Bowman,	Dwiggins,	Steele,
Brown,	Francisco,	Wadge,
Carnahan,	Howard,	Williams,
Collett,	Hubbard,	Mr. President—20.
Daggy,	Miller,	

*Those who voted in the negative were Messrs.*

Armstrong,	Haworth,	Slater,
Boone,	Hough,	Sleeth,
Friedley, of Scott,	Ringo,	Smith,
Gregg,	Rosebrugh,	Stroud,
Hall,	Sarnighausen,	Thompson—16.
Harney,		

So the minority report was ordered to lie on the table.

The question being on concurring in the report of the majority of the committee.

It was agreed to.

Mr. Thompson moved to amend the bill as follows.

Strike out all after the enacting clause and insert the following :  
The counties of Wabash, Huntington, Allen, Whitley, DeKalb, Noble, Lagrange, Steuben, Kosciusko, Elkhart, Fulton, Marshall, St. Joseph, Starke, Laporte, Porter and Lake shall constitute the First District.

The counties of Scott, Jefferson, Switzerland, Ohio, Dearborn, Ripley, Jennings, Floyd, Franklin, Clarke, Fayette, Union, Wayne, Henry, Randolph, Delaware, Jay, Blackford Wells and Adams, shall constitute the Second District.

The counties of Monroe, Green, Sullivan, Knox, Daviess, Lawrence, Martin, Gibson, Pike, Dubois, Orange, Washington, Brown, Jackson, Bartholomew, Harrison, Crawford, Perry, Spencer, War-  
rick, Vanderburg and Posey, shall constitute the Third District.

The counties of Tippecanoe, Benton, Newton, Jasper, White, Pulaski, Carroll, Cass, Clinton, Warren, Fountain, Montgomery, Vermillion, Parke, Putnam, Vigo, Clay and Owen, shall constitute the Fourth District.

The counties of Rush, Decatur, Shelby, Johnson, Morgan, Hancock, Marion, Hendricks, Boone, Hamilton, Madison, Tipton, Howard, Grant and Miami, shall constitute the Fifth District.

SEC. 6. It is hereby declared that an emergency exists for the taking effect of this act, this act shall therefore take effect and be in force from and after its passage.

Mr. Sleeth moved the amendment do lie on the table.

Which motion was agreed to.

Mr. Daggy moved that the bill be considered as engrossed and the constitutional rule requiring bills to be read on three several days be suspended that the bill may be read a third time now.

The ayes and noes being taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Francisco,	O'Brien,
Brown,	Gregg,	Rosebrugh,
Beardsley,	Gooding,	Ringo,
Bowman,	Hubbard,	Straud,
Bird,	Hall,	Steele,
Cave,	Haworth,	Smith,
Collett,	Hough,	Sarnighausen
Dittemore,	Howard,	Thompson,
Daugherty,	Harney,	Williams,
Daggy,	Miller,	Wadge,
Friedley, of Scott,	Oliver,	Mr. President—34.

*Those who voted in the negative were, Messrs.*

Boone,	Sleeth,	Slater—3.
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So the constitutional rule was suspended.

Senate Bill No. 52. A bill dividing the State into Supreme Court Judicial Districts.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were Messrs.*

Brown,	Francisco,	Rosebrugh,
Beardsley,	Gooding,	Ringo,
Bird,	Hubbard,	Steele,
Carnahan,	Hall,	Smith,
Collett,	Haworth,	Sarnighausen,
Dittemore,	Howard,	Slater,
Daugherty,	Harney,	Thompson,
Dwiggins,	Miller,	Williams.
Daggy,	Oliver,	Wadge,
Friedley,	O'Brien,	Mr. President—30.

*Those who voted in the negative were, Messrs.*

Armstrong,	Gregg,	Stroud,
Boone,	Hough,	Sleeth—7.
Bowman,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Daggy moved to amend by adding to the title the following: "Providing for the appointment of one judge of the Supreme Court to fill vacancy, repealing all laws in conflict herewith, and declaring an emergency."

Which amendment was agreed to.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of the bill.

Mr. O'Brien moved that the constitutional rule requiring bills to be read on three several days be suspended, that Senate Bill No. 51 may be read a third time now.

The ayes and noes being taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Friedley, of Scott,	Ringo,
Beardsley,	Gooding,	Rosebrugh,
Bird,	Gregg,	Sarnighausen,
Bowman,	Hall,	Sleeth,
Brown,	Harney,	Smith,
Carnahan,	Haworth,	Steele,
Collett,	Hough,	Stroud,
Daggy,	Howard,	Thompson,
Daugherty,	Hubbard,	Wadge,
Dittemore,	Miller,	Williams,
Dwiggins,	O'Brien,	Mr. President—35.
Francisco,	Oliver,	

Messrs. Boone and Slater voting in the negative.

So the rule was suspended.

Engrossed Senate Bill No. 51. A bill to amend section 1 of an

act entitled "An act to organize a Supreme Court, and prescribing certain duties of the judges thereof."

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Friedley, of Scott,	Ringo,
Beardsley,	Gooding,	Rosebrugh,
Bird,	Gregg,	Sarnighausen,
Boone,	Hall,	Slater,
Brown,	Harney,	Sleeth,
Carnahan,	Haworth,	Smith,
Collett,	Hough,	Steele,
Daggy.	Howard,	Stroud,
Daugherty,	Hubbard,	Thompson,
Dittemore,	Miller,	Wadge,
Dwiggins,	O'Brien.	Williams,
Francisco,	Oliver,	Mr. President—36.

Mr. Bowman voting in the negative.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the bill.

Mr. Brown rose to a question of privilege, and made the following report from the committee on the judiciary :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Senate Bill No. 21, entitled "An act repealing section 1 of an act entitled 'an act prescribing the duties and fixing the compensation of State agent,' approved June 17, 1852, and authorizing and requiring the Secretary of State to perform the duties thereof, and amending section 4 of said act, and declaring when this act shall take effect," have had the same under consideration, and the majority of the committee have directed me, in obedience to the order of the Senate,

to return the bill to the Senate and recommend that it be laid on the table, and that in lieu of it the Senate pass a bill herewith submitted, entitled "A bill in relation to the funded debt of the State of Indiana, therein mentioned.

Which report was concurred in.

Mr. Gregg moved that the constitutional rule requiring bills to be read on three several days be suspended, that Senate Bill No. 141 may be read a second time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were Messrs.*

Armstrong,	Friedley, of Scott,	Ringo,
Beardsley,	Gooding,	Rosebrugh,
Bird,	Gregg,	Sarnighausen,
Bowman,	Hall,	Slater,
Brown,	Harney,	Sleeth,
Carnahan,	Haworth,	Smith,
Collett,	Hough,	Steele,
Daggy,	Howard,	Stroud,
Daugherty,	Hubbard,	Thompson,
Dittemore,	Miller,	Wadge,
Dwiggins,	O'Brien,	Williams,
Francisco,	Oliver,	Mr. President—36.

Mr. Boone voting in the negative.

So the rule was suspended, and the bill was read a second time by title.

Mr. Brown moved the bill be considered engrossed, and the constitutional rule requiring bills to be read on three several days be suspended, and Senate Bill No. 141 be read a third time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Boone,	Bunyan,
Beardsley,	Bowman,	Carnahan,
Bird.	Brown,	Collett,



Daggy,	Haworth,	Slater,
Daugherty,	Hough,	Sleeth,
Dittemore,	Howard,	Smith,
Dwiggins,	Hubbard,	Steele,
Francisco,	Miller,	Stroud,
Friedley, of Scott.	O'Brien,	Thompson,
Gooding,	Oliver,	Wadge,
Gregg,	Ringo,	Williams,
Hall,	Rosebrugh,	Mr. President—38.
Harney,	Sarnighausen,	

No Senator voting in the negative.

So the rule was suspended.

Senate Bill No. 141. A bill in relation to the funded<sup>d</sup> debt of the State of Indiana therein mentioned.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Franciseo,	Oliver,
Beardsley,	Friedley, of Scott,	Ringo,
Bird,	Gooding,	Rosebrugh,
Boone,	Gregg,	Sarnighausen,
Bowman,	Hall,	Scott,
Brown,	Harney,	Slater,
Carnahan,	Haworth,	Smith,
Collett,	Hough,	Steele,
Daggy,	Howard,	Stroud,
Daugherty,	Hubbard,	Thompson,
Dittemore,	Miller,	Wadge,
Dwiggins,	O'Brien,	Williams,
		Mr. President—36

No Senator voting in the negative.

So the bill passed.

The question being shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of the bill.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Thompson presented a petition from the citizens of Marion county on the subject of temperance.

Which was referred to the committee on temperance without reading.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Hall from the committee on rights and privileges, reported back the memorial from the Society of Friends on the subject of our divorce laws, accompanied by a bill.

Mr. Smith moved that the report do lie on the table.

Which motion was agreed to.

Mr. Williams moved to reconsider the vote ordering the report to lie on the table.

Mr. Brown moved that the motion to reconsider do lie on the table.

Messrs. Williams and Hall demanded the ayes and noes.

*Those who voted in the affirmative, were Messrs.*

Armstrong,	Francisco,	O'Brien,
Beardsley,	Hall,	Ringo,
Bird,	Harney,	Rosebrugh,
Boone,	Haworth,	Sarnighausen,
Bowman,	Hough,	Stroud,
Carnahan,	Howard,	Thompson,
Collett,	Hubbard,	Wadge,
Daugherty,	Miller,	Williams—25
Dwiggins,		

*Those who voted in the negative, were Messrs.*

Brown,	Gooding,	Sleeth,
Daggy,	Gregg,	Smith,
Dittemore,	Oliver,	Steele,
Friedley, of Scott.	Slater,	Mr. President—12

So the motion to lie on the table was not agreed to.

The question recurring on reconsidering the vote on laying the bill and report on the table.

It was agreed to.

The question recurring on the motion to lay the bill and report on the table.

It was not agreed to.

The question being on concurring in the report.

It was agreed to.

Mr. Hall moved to suspend the order of business and read the bill reported by the committee the first time now.

Which motion was not agreed to.

Mr. Gregg introduced

Senate Bill No. 142. An act providing for taking the sense of the qualified voters of this State, on the calling of a convention to alter, amend or revise the Constitution of this State.

Which was read a first time.

Mr. Brown moved that the order of business be suspended, to take up House Joint Resolution No. 2, and put it on its passage.

Which motion was agreed to.

House Joint Resolution No. 2. A joint resolution agreeing to and adopting an amendment proposed to the Constitution by the last General Assembly, by adding to the tenth article a section in relation to the debt charged upon the Wabash and Erie canal.

WHEREAS, The last General Assembly at the regular session thereof, passed, adopted and agreed to the following joint resolution, to wit.:

“ A joint resolution proposing an amendment to the Constitution, by adding to the tenth article, a section in relation to the debt charged upon the Wabash and Erie canal.”

*Be it resolved by the General Assembly of the State of Indiana, That the following amendment be, and hereby is proposed to the Constitution of this State, and that the same be, and is hereby agreed to and submitted to the electors of the State for their ratification or rejection, provided the same shall be agreed to by a majority of all the members elected to each House of the General Assembly of this State, to be chosen at the next general election ; said amendment to consist of the addition of the following section to the tenth article of the Constitution in the language following :*

No law or resolution shall ever be passed by the General Assembly of the State of Indiana, that shall recognize any liability of this State to pay or redeem any certificate of stock issued in pursuance of an act, entitled “ An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville,” passed, January 19, 1846, and an act supplemental to said act by the provisions of the said acts, or either of them shall be payable exclusively from the proceeds of the canal bonds, and the tolls and revenues of the canal in said acts mentioned and no such certificate or stocks shall ever be paid by this State.

*Resolved further, That the foregoing joint resolution be, and the same is, hereby referred to the General Assembly of this State, to be chosen at the general election to be held on the second Tuesday in October, in the year of our Lord one thousand eight hundred and seventy-two. Now, therefore,*

*Be it resolved by the General Assembly of the State of Indiana, That the said amendment proposed to the Constitution of Indiana contained in said joint resolution passed by the last General Assembly, as aforesaid herein recited, be, and the same hereby is, agreed to and adopted by this General Assembly, and that the said amendment shall be submitted to the electors of the State for their ratification at an election to be called for that purpose in pursuance of an act of the General Assembly, as may hereafter be passed, providing for such submission, and, if no time is designated by the General*

Assembly then, shall be submitted to the people at the next general election to be held on the second Tuesday in October, eighteen hundred and seventy-four.

Was read a first time.

The question being, shall the joint resolution pass?

Mr. Daggy moved the joint resolution do lie on the table.

Messrs. Brown and Williams demanded the ayes and noes.

*Those who voted in the affirmative were Messrs.*

Daggy,	Oliver,	Mr. President—5.
Hall,	Thompson,	

*Those who voted in the negative were, Messrs.*

Armstrong,	Francisco,	O'Brien,
Beardsley,	Friedley,	Ringo,
Bird,	Gooding,	Sarnighansen,
Boone,	Gregg,	Slater,
Bowman,	Harney,	Sleeth,
Brown,	Haworth,	Smith,
Carnahan,	Hough,	Steele,
Collett,	Howard,	Stroud,
Daugherty,	Hubbard,	Wadge,
Dwiggins,	Miller,	Williams—30.

So the motion to lie on the table was not agreed to.

Mr. Gooding moved to make the joint resolution the special order for Wednesday at 2 P. M.

Mr. Dwiggins moved the motion be laid on the table.

Which motion was agreed to.

Mr. Dwiggins demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question now be put?

It was so ordered.

The question recurring on the passage of the Joint Resolution,

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Friedley,	Ringo,
Beardsley,	Gooding,	Sarnighausen,
Bird,	Gregg,	Slater,
Boone,	Hall,	Sleeth,
Bowman,	Harney,	Smith,
Brown,	Haworth,	Steele,
Carnahan,	Hough,	Stroud,
Collett,	Hubbard,	Thompson,
Daggy,	Miller,	Wadge,
Daugherty,	O'Brien,	Williams,
Dwiggins,	Oliver,	Mr. President.—34.
Francisco,		

No Senator voting in the negative.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution?

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of the joint resolution.

Mr. Collett, from the committee on the phraseology and arrangement of enrolled bills, made the following reports :

MR. PRESIDENT :

The committee on phraseology and arrangement of bills and enrolled bills, have had Senate Bill No. 38, an act supplemental to an act approved February 25, 1865, entitled "An act appointing commissioners to sell certain real estate therein named to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith," have examined and compared the same and find it correctly enrolled.

Mr. Collett, from the joint committee on enrolled bills, made the following report :

MR. PRESIDENT:

The joint committee on enrolled bills have examined and compared Senate Bill No. 8, an act to provide for the holding courts in the Twenty-fifth Common Pleas District of Indiana, and declaring an emergency, with the engrossed bill, and find the same correctly enrolled.

Mr. Collett, from the joint committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills, to whom was referred Senate Act No. 124, entitled "An act to define what shall be the salary of the Governor, the manner of paying the same, and declaring an emergency," have had the same under consideration, and find it correctly enrolled.

#### INTRODUCTION OF BILL.

Mr. Steele introduced

Senate Bill No. 143. An act to restrain all persons from hiring or employing persons under the age of twenty-one years to make or vend by the wholesale or retail any spirituous or intoxicating liquors and prescribing penalties therefor, and declaring an emergency.

Which was read a first time.

Mr. Gregg offered the following:

*Resolved*, That the President's Secretary be furnished with the same stationery as is or may be allowed the members of the Senate.

Which resolution was adopted.

Mr. O'Brien introduced

Senate Bill No. 144. An act to amend section 4 of an act entitled "An act authorizing the assessment of lands for plank, macadamized and gravel roads, prescribing the manner of assessing and collecting the same, and repealing the law on that subject approved

May 14th, 1869, providing compensation for County Auditor in such assessments, and declaring an emergency.

Which was read a first time.

Mr. Daggy moved the Senate do now adjourn.

The ayes and noes being demanded by one-tenth of the Senate,

*Those who voted in the affirmative were, Messrs.*

Daggy,	Hubbard,	Ringo,
Francisco,	O'Brien,	Steele,
Gregg,	Oliver,	Mr. President—9.

*Those who voted in the negative were, Messrs.*

Armstrong,	Hall,	Sarnighausen,
Bird,	Harney,	Slater,
Bowman,	Haworth,	Smith,
Collett,	Hough,	Wadge—14.
Daugherty,	Howard,	

No quorum voting.

Messrs. Steele and Winterbotham asked and obtained indefinite leave of absence.

On motion by Mr. O'Brien, the Senate adjourned.



## TUESDAY MORNING.

DECEMBER 10, 1872, 10 o'clock.

The Senate met.

Pending the reading of the Journal,

On motion by Mr. Orr,

The further reading thereof was dispensed with.

By unanimous consent,

Mr. Thompson presented a petition from the citizens of Southport, Marion county, on the subject of temperance.

Which petition was referred to the committee on temperance without reading.

## SPECIAL ORDER.

The hour of 10 o'clock A. M. having arrived, being the hour fixed for the consideration of special order, Senate Bills Nos. 6 and 115.

The same were taken up.

Senate Bill No. 115. "A bill to prevent extortionate charges or unjust discrimination in the transportation of freight by railroad companies and other common carriers, and to provide a remedy where such extortions or discriminations are practiced."

Was read a second time.

Mr. Scott moved that the bill do lie on the table, and 200 copies be ordered printed.

Mr. Slater called for a division of the question.

The question being, on ordering the bill to lie on the table.

It was not agreed to.

The question then being on the motion to print 200 copies.

It was agreed to.

Mr. Scott moved that the bill be made the special order for Friday next at 10 o'clock A. M.

Message from the House, by Mr. Nixon, clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following joint resolution of the Senate, to wit.:

Senate Joint Resolution No. 2. A joint resolution in relation to the two per cent. claim of Ohio, Indiana and Illinois, now pending before Congress.

I am directed by the Speaker of the House of Representatives to inform the Senate, that he has signed the following enrolled acts of the Senate, to wit.:

Enrolled Senate Act No. 8. An act providing for the holding of courts in the Twenty-fifth Common Pleas District of the State of Indiana, and declaring an emergency.

Also, Enrolled Senate Act No. 38. An act supplemental to an act, approved February 25, 1865, entitled "An act appointing commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith."

Also, Enrolled Act No. 124. An act to define what shall be the salary of the Governor, the manner of paying the same, and declaring an emergency.

And the same are herewith transmitted to the Senate for the signature of the President thereof.

The question being on the motion by Mr. Scott, to make Senate Bill No. 115 the special order for Friday next, at 2 o'clock P. M.

Mr. Steele moved to amend the motion by including Senate Bill No. 6.

The question being on the motion of Mr. Steele.

Mr. Williams moved that the motion do lie on the table.

Which motion was not agreed to.

The question recurring on the amendment of Mr. Steele,

The ayes and noes were demanded by Messrs Brown and Williams.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Friedley,	Sarnighausen,
Beardsley,	Gooding,	Scott,
Beeson,	Harney,	Sleeth,
Boone,	Hough,	Steele,
Bunyan,	Hubbard,	Stroud,
Collett,	Miller,	Taylor,
Daggy,	Oliver,	Wadge—23.
Dwiggins,	Orr,	

*Those who voted in the negative were,<sup>a</sup> Messrs.*

Bird,	Glessner,	Rosebrugh,
Bowman,	Gregg,	Slater,
Brown,	Hall,	Smith,
Carnahan,	Haworth,	Thompson,
Daugherty,	Howard,	Williams,
Dittemore,	Neff,	Mr. President—20.
Francisco,	Ringo,	

So the amendment was agreed to.

The question recurring on the motion as amended,

Messrs. Williams and Dittemore demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Gooding,	Scott,
Boone,	Hough,	Sleeth,
Collett,	Miller,	Steele,
Daggy,	O'Brien,	Taylor,
Dwiggins,	Orr,	Wadge—16.
Friedley,		

S. J.—19

*Those who voted in the negative were, Messrs.*

Armstrong,	Gregg,	Rosebrugh,
Beeson,	Hall,	Sarnighausen,
Bowman,	Harney,	Slater,
Brown,	Haworth,	Smith,
Daughtery,	Howard,	Stroud,
Dittemore,	Neff,	Thompson,
Francisco,	Oliver,	Williams,
Glessner,	Ringo,	Mr. President—24.

So the motion was not agreed to.

Mr. Brown moved to make Senate Bill No. 6 a special order for to-morrow, at 10 o'clock A. M.

Mr. Steele moved to amend by making Senate Bill No. 115 a part of special order for to-morrow.

Mr. Brown moved the amendment do lie on the table.

Messrs. Rosebrugh and Dittemore demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Friedley, of Scott,	Rosebrugh,
Beardsley,	Gooding,	Sarnighausen,
Beeson,	Gregg,	Scott,
Bird,	Hall,	Slater,
Bowman,	Harney,	Sleeth,
Brown,	Haworth,	Smith,
Carnahan,	Howard,	Stroud,
Collettt,	Miller,	Taylor,
Daggy,	Neff,	Thompson,
Daugherty,	Oliver,	Wadge,
Dittemore,	Orr,	Williams,
Dwiggins,	Ringo,	Mr. President—37.
Francisco,		

*Those who voted in the negative were, Messrs.*

Boone,	O'Brien,	Steele—4.
Hough,		

So the amendment was ordered to lie on the table.

The question recurring on the motion to make Senate Bill No. 6 the special order for to-morrow at 10 o'clock A. M.,

Mr. Hough moved to amend by making it the special order for Thursday next at 2 o'clock P. M.

Mr. Williams moved the amendment do lie on the table.

Which motion was agreed to.

The question recurring on the resolution to make it the special order on to-morrow at 10 o'clock A. M.,

It was agreed to.

The President announced that he had signed Enrolled Senate Acts No. 86, No. 124 and No. 8.

Mr. Orr moved to make Senate Bill No 115 the special order for Thursday at 2 o'clock P. M.

Which motion was agreed to.

On motion by Mr. Oliver,

The Senate took a recess until 2 o'clock.

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#### AFTERNOON SESSION, 2 O'CLOCK.

The Senate reassembled.

By unanimous consent,

Mr. Orr presented a claim which was referred to the committee on claims without reading.

Messrs. Rosebrugh, Dittmore, Orr, Neff, Beeson, and Mr. Glessner asked the consent of the Senate to record their votes in favor of the adoption of the Constitutional amendment.

Which was granted.

Mr. Hall, from the committee on phraseology and arrangement of bills and enrolled bills, presented the following report :

MR. PRESIDENT :

The committee on enrolled bills direct me to report that they have compared Senate Bill No. 2, "a bill to authorize and regulate the incorporation of banks of discount and deposit in the State of Indiana," with the original, and find it to be correctly engrossed.

Mr. Neff presented "claims" of Osborn and Calkins, and McCoy and Root.

Which were referred to the committee on claims without reading.

#### SPECIAL ORDER.

The hour of 2 o'clock P. M. having arrived, being the hour fixed for the consideration of the special order, Senate Bill No. 1 and Senate Bill No. 88,

The same were taken up.

Senate Bill No. 1. A bill to repeal an act, entitled "An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflown lands by incorporated companies, and to repeal all former laws relating to the same subject."

Which act took effect without executive approval, on the 22d day of May, 1869.

Also, an act to repeal an act, entitled "An act supplemental to an act, entitled 'an act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relative to the same subject.'"

Which act took effect, May 22, 1869, and prescribing penalties for the violation of the provisions thereof.

Which last named act was approved on the the 23d of February, 1871, and declaring an emergency.

Was read a second time.

Message from the House, by Mr. Nixon, Clerk thereof :

**MR. PRESIDENT :**

I am directed by the House of Representatives, to inform the Senate, that the House has passed the following engrossed Senate bill, to wit.:

Engrossed Senate Bill No. 85. A bill to provide for the payment of sundry bonds or stocks of the State of Indiana, issued prior to the year 1841, and declaring an emergency.

Mr. Dittmore moved to amend Senate Bill No. 1, as follows :

Amend section two by adding thereto the following words: *Provided*, That the existence and the rights, franchises and powers of all incorporated companies, organized under said acts, or under any prior law of this State, repealed by said act, the main line of whose contemplated work does not exceed ten miles in length, shall be saved, unimpaired and unaffected by this repealing act.

Mr. O'Brien moved to amend the amendment by striking out the word "ten," and inserting the word "sixteen."

The question being on the adoption of the amendment to the amendment,

It was agreed to.

The question recurring on the adoption of the amendment as amended.

Messrs. Roseburgh and Brown demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Daggy,	Hall,
Beardsley,	Daugherty,	Harney,
Beeson,	Dittmore,	Haworth,
Bird,	Dwiggins,	Hough,
Boone,	Francisco,	Hubbard,
Bowman,	Friedley,	Miller,
Carnahan,	Glessner,	O'Brien,
Chapman,	Gooding,	Oliver,
Collett,	Gregg,	Orr,

Ringo,	Smith,	Taylor,
Sarnighausen,	Steele,	Wadge,
Scott,	Stroud,	Williams—37.
Sleeth,		

*Those who voted in the negative were, Messrs.*

Brown,	Rosebrugh,	Thompson,
Howard,	Slater,	Mr. President—7
Neff,		

So the amendment was agreed to.

Mr. Dwiggins moved that the bill be considered as engrossed and read a third time now.

Which motion was agreed to.

Senate Bill No. 1, was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Friedley,	Ringo,
Beeson,	Glessner,	Rosebrugh,
Bird,	Gooding,	Sarnighausen,
Bowman,	Gregg,	Scott,
Brown,	Hall,	Slater,
Bunyan,	Harney,	Sleeth,
Carnahan,	Haworth,	Smith,
Chapman,	Howard,	Steele,
Collett,	Hubbard,	Stroud,
Daggy,	Miller,	Taylor,
Daugherty,	Neff,	Thompson,
Dittemore,	O'Brien,	Wadge
Dwiggins,	Oliver,	Williams,
Francisco,	Orr,	Mr. President—42.

*Those who voted in the negative were, Messrs.*

Armstrong,	Boone,	Hough—3.
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So the bill passed.



The question being, shall the title as read, stand as the title of the bill?

Mr. Steele moved to amend, by adding the following :

“ And saving the rights therein mentioned.”

Which motion was agreed to.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the bill.

Mr. Sleeth, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills would respectfully report, that they have examined and compared Enrolled Joint Resolution No. 2 of the Senate, to wit.: “ A joint resolution in relation to the two per cent. claims of Ohio, Indiana and Illinois, now pending before Congress,” and find it correctly enrolled.

Senate Bill No. 88. An act to authorize and encourage the construction of levees, dykes and drains and ditches, and the reclamation of wet and overflowed lands by incorporated associations ; and providing for the organization of such associations, and prescribing their powers, and providing for the assessment of the cost of such improvements, and the expense attending the same, upon the lands benefited thereby, and for the collection of such assessments.

Was read a second time.

Mr. Dittmore moved to postpone the consideration of the same, and that the bill be made the special order for Friday next at 2 o'clock P. M.

Mr. Hough moved the motion do lie on the table.

Which motion was agreed to.

The question being on the adoption of the amendments reported by the committee.

Mr. Daggy moved to amend the amendment, proposed to section thirteen of the bill, by inserting "majority" wherever the words "one-third" occurs, and after the words "land owners" wherever they occur, insert "liable to be affected by assessments for benefits."

On motion by Mr. Smith, the Senate adjourned.

## WEDNESDAY MORNING.

DECEMBER, 11, 1872, 10 O'CLOCK.

The Senate met.

Prayer was made by Rev. Mr. Morrow, of the Fourth Presbyterian Church.

On motion by Mr. Dittimore, the reading of the Journal of yesterday was dispensed with.

Mr. Francisco moved to suspend the order of business, and take up House Bill No. 70.

Which was agreed to.

Engrossed House Bill No. 70. A bill to enable counties bordering on the State lines, or rivers forming State boundaries, and townships and cities therein, to aid in the construction of railroads opposite such counties in other States, to run to such counties, or the State line, or river forming the State boundary, bordering such counties, or to form connection with other railroads in such counties, and prescribing the duties of the officers of such counties for that purpose, and authorizing such cities to issue bonds for such aid, and declaring an emergency. •

Was read a second time.

Mr. Slater moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill be read a third time now.

The ayes and noes being taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Boone,	Bunyan,
Beeson,	Bowman,	Carnahan,
Bird,	Brown,	Cave,

Chapman,	Hough,	Sarnighausen,
Daggy,	Howard,	Scott,
Dittemore,	Hubbard,	Slater,
Dwiggins,	Miller,	Sleeth,
Francisco,	Neff,	Smith,
Friedley,	O'Brien,	Steele,
Glessner,	Oliver,	Stroud,
Gooding,	Orr,	Thompson,
Hall,	Rhodes,	Wadge,
Harney,	Ringo,	Williams.
Haworth,	Rosebrugh,	Mr. President—42.

No Senator voting in the negative.

So the rule was suspended, and the bill read a third time.

Message from the House by Mr. Nixon, the Clerk thereof.

#### MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to wit:

Engrossed House Bill No. 3. A bill to repeal an act for the construction of levees, dykes and drains by incorporated companies and associations, which took effect May 22, 1869; and also to repeal an act supplemental thereto, approved February 23, 1871, and saving from the operation of this act all works ten miles in length and under, and the same is respectfully submitted to the Senate.

I am also directed to inform the Senate that the House has passed the following Engrossed Senate Bill, to wit:

Engrossed Senate Bill No. 141. A bill in relation to the funded debt of the State of Indiana, therein mentioned.

Mr. Dittemore demanded the previous question on the passage of Engrossed House Bill No. 70.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Dwiggins,	Oliver,
Beardsley,	Francisco,	Rhodes,
Beeson,	Freidley, of Scott,	Ringo,
Bird,	Glessner,	Rosebrugh,
Boone,	Gooding,	Scott,
Bowman,	Gregg,	Slater,
Brown,	Hall,	Smith,
Bunyan,	Harney,	Steele,
Carnahan,	Haworth,	Stroud,
Cave,	Hough,	Thompson,
Chapman,	Howard,	Williams,
Collett,	Hubbard,	Winterbotham,
Daggy,	Miller,	Mr. President.—39.
Dittimore,		

*Those who voted in the negative were, Messrs.*

Neff,	Sarnighausen,	Taylor—5
Orr,	Sleeth,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Brown moved to amend by striking out the word "bill" and inserting the word "act."

It was agreed to.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of the bill.

Message from the Governor, by Mr. Commons, his Private Secretary:

STATE OF INDIANA,  
EXECUTIVE DEPARTMENT.

MR. PRESIDENT :

I am directed by the Governor to respectfully inform the Senate that he has approved and signed Enrolled Act of the Senate No. 65, entitled "An act granting the consent of the State of Indiana to the purchase by the United States of certain lands for the purpose of the erection of a public building at Indianapolis and ceding jurisdiction over the same," and that the same has been deposited in the office of the Secretary of State.

Mr. Dwiggins moved that House Bill No. 49, be made the special order for 10:30 A. M. on to-morrow.

Mr. Harney moved to lay the motion on the table.

Which motion was not agreed to.

The question recurring on the motion of Mr. Dwiggins to make House Bill No. 49, a special order for to-morrow morning,

It was agreed to.

Mr. Thompson presented a claim, which on his motion was referred to the committee on claims without reading.

Mr. Rhodes from the committee on fees and salaries made the following majority report :

MR. PRESIDENT :

A majority of the committee on fees and salaries to whom was referred Senate Bill No. 9, entitled "An act fixing the salaries of the Judges of the Supreme, Superior, Circuit, Criminal and Common Pleas Courts of this State, providing how their salaries shall be paid, repealing all laws and parts of laws in conflict therewith, and declaring an emergency," having carefully considered the same submit the following report, to wit :

They recommend that section No. 2 be amended by striking out the words "four thousand" in line 1 of page 2, and inserting in lieu thereof, the words "three thousand five hundred."

That section No. 3 of said act be amended by striking out the words "three thousand" in line 5, page 2, and inserting the words "thirty-five hundred."

That section No. 4 of said act be amended by striking out the words "three thousand" in lines 9 and 10, on page 2, and inserting the words "two thousand five hundred."

And that section No. 5 of said act be amended by striking out the words "thirty-five hundred" in line 13, page 2, and inserting the words "three thousand."

And that section 6 be amended to read as follows:

SEC. 6. The salaries of the Judges of the Supreme and Circuit Court shall be paid out of the State Treasury. The salaries of the Judges of the Superior and Criminal Courts shall be paid, one-third out of the treasury of the State and two-thirds out of the treasuries of the counties comprising their respective districts in proportion to the population of such counties, as shown by the census returns of the United States for the year 1870, and that the salaries of the Judges of the Common Pleas Courts shall be paid out of the treasuries of the counties comprising their respective districts. in proportion to the population of such counties, as shown by the United States census returns of 1870; and that the salaries herein provided for shall be paid quarterly, on the first Mondays of January, April, July and October of each year; and that on the adoption of the above amendments, the committee recommend the passage of said bill.

On motion,

The report was ordered to lie on the table.

Mr. Neff, from the committee on fees and salaries, made the following minority report:

MR. PRESIDENT:

A minority of the committee on fees and salaries, to whom was referred Senate Bill No. 9, entitled "An act fixing the salaries of Judges of the Supreme Court, the Superior Court, the Circuit Court, the Criminal Court and the Common Pleas Courts of the State, providing how their salaries shall be paid, repealing all laws in conflict therewith," having carefully examined the same, submit the follow-

ing report: They recommend that the first section of the bill shall be amended by striking out in the tenth line the words, "five thousand dollars," and inserting the words, "four thousand dollars;" that section 2 be amended by striking out in the third line the words, "four thousand dollars," and in lieu thereof inserting the words, "three thousand dollars;" that section No. 3, in the fifth and sixth lines, be amended by striking out the words, "three thousand dollars," and inserting in lieu thereof the words, "two thousand dollars;" that section No. 4 be amended by striking out in the ninth and tenth lines the words, "three thousand dollars," and inserting in lieu thereof, "two thousand dollars," and when these amendments are adopted they recommend that the bill do pass.

On motion,

The report was ordered to lie on the table.

Mr. Collett, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills respectfully report that they have examined and compared enrolled Senate Bill No. 85, to-wit: "An act to provide for the payment of sundry bonds or stocks of the State of Indiana, issued prior to the year 1841," and declaring an emergency, and find it correctly enrolled.

Mr. Dittmore moved that the report of the committee on Senate Bill No. 9 be made the special order for this afternoon at 2 o'clock.

Which motion was agreed to.

On motion by Mr. Brown,

The order of business was suspended and Senate Bill No. 6, with pending amendments, was taken up.

The question being on the adoption of the amendments to section 1st, as proposed by the committee,

It was agreed to.

The question being on the adoption of the amendments by the committee to sections No. 2, No. 3, No. 4 and No. 5,

It was agreed to.



Mr. Williams offered the following :

Amend section No. 4, 15th line, after the word "prescribed," as follows: "and any officer, agent, director or employe of any railroad company who shall receive any compensation for any package or quantity of goods carried to or from any station on said railroad, or who shall in any other way violate the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one thousand dollars, to which may be added imprisonment in the county jail not exceeding twelve months."

Which amendment was adopted.

Mr. Harney moved to amend as follows:

Amend section No. 3 by inserting after the word "road," in the 5th line, the words "to and from each station to every other station on said road."

Which amendment was agreed to.

Mr. Harney moved to amend as follows:

Section —. Any railroad violating the provisions of section 5 of this act shall be liable in an action for damages by any person aggrieved by such overcharge, and such person shall recover for his use the amount of such overcharge which he may have paid, with costs of suit and reasonable attorney's fee in such action. In making out a schedule or tariff of rates of freight, as provided in this act, it shall not be lawful for any railroad to charge or receive a higher rate of freight from any one point or station on the road to any other point on the same road, than is charged or received from any point beyond the first named point to second named point of destination; it being the intention and meaning of this section that the rates of freight charged between the terminus of the road, or between any two competing points on the road, shall not be exceeded in amount by rates of freight from any intermediate point to either of above competing points, or from any intermediate point to the terminus.

Which amendment was agreed to.

Mr. Hough offered the following:

Amend by striking out the words "one hundred" in lines 6 and 7 of section No. 1, and insert in lieu thereof the word "fifty;" also by striking out the words "seventy-five" in line 9 of said section and insert in lieu thereof "forty;" also by striking out the word "fifty" in line 12 of said section and insert in lieu thereof the words "twenty-five," and further by striking out the word "three" in line 3 of section 2 and insert in lieu thereof the word "two," and amend further by striking out the word "three" in line 7 in section 4, and insert in lieu thereof the word "two."

Mr. Dittemore moved to lay the amendment offered by Mr. Hough on the table.

Which motion was agreed to.

Mr. Orr offered the following :

Amend section 2, in the 3d line, by striking out the words "and one-half."

Which amendment was agreed to.

Mr. Gregg offered the following

Amend by striking out the words "section No. 3," and inserting the words "section No. 2."

The question being on the amendment offered by Mr. Gregg,

Mr. Dittemore demanded the previous question.

Which was not seconded by the Senate.

Mr. Gooding moved to adjourn.

Which motion was not agreed to.

Mr. Dwiggins moved that the amendmsnt offered by Mr. Gregg do lie on the table.

Which motion was agreed to.

Mr. Scott offered the following amendment to section No. 7:  
"All laws in conflict with this act are hereby repealed."

Which amendment was adopted.

Mr. Dwiggins offered the following :

Amend by adding the following section : " The provisions of this act shall not apply to railroad companies whose road has not been in operation for five years, except when such railroad shall be leased by, consolidated with, or operated by a railroad company whose road shall have been in operation more than five years."

Mr. Dittmore moved to lay the amendment on the table.

Which motion was agreed to.

Mr. Williams moved that the bill be considered as engrossed, and read a third time now.

Which motion was agreed to.

Senate Bill No. 6, entitled "a bill to regulate and make uniform the prices charged by railroads for the transportation of passengers, goods, wares, merchandise, and other property, to and from any station in Indiana, defining the duties of certain officers in relation thereto, prescribing penalties for the violation thereof, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass ?

On motion of Mr. Gooding, the Senate took a recess until 2 o'clock, P. M.

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#### AFTERNOON SESSION.

The Senate reassembled at 2 o'clock, P. M.

Pending the adjournment was the consideration of Senate Bill No. 6.

The question being, shall the bill pass ?

Mr. Rosebrugh demanded the previous question.

Mr. Dittmore moved a call of the Senate.

*Those who answered to their names were, Messrs.*

Armstrong,	Friedley, of Scott,	Rhodes,
Beardsley,	Glessner,	Ringo,
Beeson,	Gooding,	Rosebrugh,
Beggs,	Gregg,	Scott,
Bird,	Harney,	Slater,
Boone,	Haworth,	Smith,
Bowman,	Hough,	Steele,
Bunyan,	Howard,	Stroud,
Carnahan,	Hubbard,	Taylor,
Cave,	Miller,	Thompson,
Collett,	Neff,	Wadge,
Daggy,	O'Brien,	Williams,
Dittemore,	Orr,	Mr. President—40.
Dwiggins,		

On motion of Mr. Dittemore, the further proceedings under the call were dispensed with.

The question recurring on the demand by Mr. Rosebrugh for the previous question,

It was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Glessner,	Rhodes,
Beeson,	Gooding,	Ringo,
Bird,	Gregg,	Rosebrugh,
Boone,	Hall,	Sarnighausen,
Bowman,	Harney,	Slater,
Brown,	Haworth,	Smith,
Bunyan,	Hough,	Steele,
Carnahan,	Hubbard,	Stroud,
Cave,	Miller,	Taylor,
Daggy,	Neff,	Thompson,
Dittemore,	O'Brien,	Williams,
Dwiggins,	Orr,	Mr. President—37.
Friedley, of Scott,		

*Those who voted in the negative were, Messrs.*

Beardsley,	Howard,	Sleeth,
Collett,	Scott,	Miller—6.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Brown moved to amend as follows:

Strike out the present title and insert, "An act concerning the transportation of freight and passengers on railroads within this State, and repealing all laws in conflict with this act, and prescribing penalties for the violation thereof, and declaring an emergency."

Which motion was agreed to.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of the bill.

#### SPECIAL ORDER.

The hour of 2:30 P. M. having arrived, being the hour fixed for the consideration of Senate Bill No. 9, and accompanying reports,

Mr. Gooding moved to postpone the further consideration thereof until Monday, 2 o'clock P. M.

Messrs Dittamore and Rosebrugh demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Chapman,	Hough,
Beeson,	Collett,	Howard,
Boone,	Daggy,	Hubbard,
Brown,	Friedley, of Scott,	Miller,
Bunyan,	Gooding,	Neff,

O'Brien,	Ringo,	Thompson,
Oliver,	Slater,	Wadge,
Orr,	Steele,	Mr. President—27.
Rhodes,	Taylor,	

*Those who voted in the negative were, Messrs.*

Armstrong,	Dwiggins,	Rosebrugh,
Bird,	Glessner,	Sarnighausen,
Bowman,	Gregg,	Scott,
Carnahan,	Hall,	Slater,
Cave,	Harney,	Smith,
Dittemore,	Haworth,	Stroud—18.

So the motion was agreed to.

Mr. Gooding moved to suspend the order of business and take up Senate Bill No. 88.

Which was agreed to.

Senate Bill No. 88. "An act to authorize and encourage the construction of levees, dykes and drains and ditches, and the reclamation of wet and overflowed lands by incorporated associations, and providing for the organization of such associations, and prescribing their powers and providing for the assessment of the cost of such improvements and expenses attending the same upon the lands benefitted thereby, and for the collection of such assessments."

Was read a second time.

By unanimous consent, the petition of the President of the Terre Haute and Indianapolis Railroad Company, heretofore presented, was referred to the committee on railroads.

By unanimous consent, Mr. Brown, from the committee on the judiciary, made the following report :

**MR. PRESIDENT:**

The committee on the judiciary to whom was referred Senate Bill No. 3, an act amending the law concerning voluntary associations so they can mortgage their property to borrow money, have had the same under consideration and report it back to the Senate and recommend its passage.

Which report was concurred in.

Message from the House, by Mr. Nixon, the Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following enrolled bills thereof, to wit:

Engrossed House Bill No. 115. A bill to repeal an act entitled "An act to regulate the sale of patent rights, and to prevent frands in connection therewith," which took effect April 23, 1869.

Engrossed House Bill No. 118. A bill making the parties competent witnesses as to certain matters in actions by executors or administrators, upon contracts assigned to decedent.

Engrossed House Bill No. 128. A bill empowering the board of trustees of any incorporated town within this State to compel owners of lots to plant, maintain, and protect shade trees within the same.

Engrossed House Bill No. 93. A bill fixing the per diem and mileage of members of this General Assembly, and providing that they shall provide their own stationery.

Engrossed House Bill No. 151. A bill to amend an act entitled "An act to declare abandoned certain unfinished railroads, and to provide for their completion; to declare forfeited the franchises of certain railroad companies, and for the assessment of the value thereof; for the organization of new companies, and for making annual statements."

Engrossed House Bill No. 152. A bill to amend an act entitled "An act to provide for the incorporation of railroad companies."

And the same are hereby respectfully submitted to the Senate.

The question being on the adoption of the amendment to Senate Bill No. 88, offered by Mr. Daggy,

Mr. Dittmore moved that the amendment do lie on the table.

Messrs. Rosebrugh and Gregg demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Daggy,	O'Brien,
Beardsley, <sup>j</sup>	Dittemore,	Orr,
Beeson,	Francisco,	Sleeth,
Bird,	Glessner,	Smith,
Boone,	Hall,	Steele,
Bowman,	Harney,	Taylor,
Bunyan,	Hough,	Williams—23.
Chapman,	Hubbard,	

*Those who voted in the negative were, Messrs.*

Dwiggins,	Oliver,	Slater,
Friedley, of Scott,	Rhodes,	Stroud,
Gregg,	Ringo,	Thompson,
Howard,	Roscbrough,	Wadge,
Miller,	Sarnighausen,	Mr. President—17.
Neff,	Scott,	

So the amendment of Mr. Daggy was ordered to lie on the table

Mr. Boone offered the following amendment to Senate Bill No. 88:

*Provided, That the existence, and the rights, franchises and powers of all incorporated companies or associations organized under said act, or under any prior law of this State repealed by said act, the main line of whose contemplated work does not exceed sixteen miles in length, shall be saved unimpaired and unaffected by such repeal; and such companies and associations, and all the members thereof, shall be entitled to all the rights and privileges conferred, and subject to all the liabilities and restrictions imposed by this act; and all such organizations may prosecute and complete their proposed work and make and collect assessments to defray the cost of the same, under the provisions of this act, in the same manner as if they had been organized under the same and not otherwise.*

Which amendment was agreed to.

The question recurring on concurring in the report of the committee,

It was agreed to.



Mr. O'Brien offered the following amendment to the bill :

Amend section No. 12, line No. 8, by striking out "if the proposed work consists in any change or improvement of any existing drain, stream or watercourse," and insert in lieu thereof after the word "stated," "together with a detailed statement of the estimated cost of construction of the proposed work, which estimated cost shall be made in sections or divisions not exceeding one-fourth of a mile in length."

Which amendment was agreed to.

Mr. O'Brien offered the following amendment :

And provided further that no such assessment shall be a lien upon any tract of land for a greater sum than the estimated cost of construction of the proposed work, or of making the repairs or improvements sought to be made, together with necessary expenses of such company or corporation.

Which amendment was agreed to.

Mr. Hubbard offered the following amendment :

Amend the 5th section by inserting the word "all" after the word "by" in the 8th line, and by striking out the words, "of every county in which the articles of association are so recorded of this State."

Which amendment was agreed to.

Mr. Hubbard offered the following amendment :

Amend the 5th section by inserting after the word "association," in the 7th line, these words: "And all persons who have paid their assessment in full may vote at any meeting of the stockholders of such association on the questions of repairs to such work."

Which amendment was agreed to.

Mr. Chapman offered the following :

Amend 7th line, 13th section, by striking out the word "place," and inserting the words "in said county."

Which amendment was agreed to.

Mr. Hubbard offered the following :

Amend section 6th by inserting after the word " may," in the 8th line, the words " regular or adjourned."

Which amendment was agreed to.

Mr. Hubbard offered the following amendment :

Amend section 19 by inserting after the words " them," in the 3d line, the word " was," and inserting after the word " made," in the 3d line, the words " upon a personal examination of said lands and."

Which amendment was agreed to.

Mr. Hubbard offered the following amendment :

Amend section 13th by inserting after the word " thereby," in the 6th line, these words: " The appraisers shall be furnished a copy of the plan and profile of the proposed work, together with a certified copy of the order of the Board of Commissioners for their appointment."

Which amendment was agreed to.

Mr. Hubbard offered the following amendment :

Amend section 21st by striking out the words " by filing," in the 4th line, and inserting in lieu thereof the words " and unless such person be the owner of the legal title, such person shall file."

Which amendment was agreed to.

Mr. Brown moved that the bill be engrossed and made the special order for 11 o'clock, A. M., to-morrow.

Which motion was agreed to.

Mr. Hough moved to suspend the order of business to take up Senate Bill No. 2.

Which motion was not agreed to.

Mr. Taylor moved to suspend the order of business to take up Senate Bill No. 5.

Mr. Brown moved to amend the motion by striking out "Senate Bill No. 5," and inserting "House Bill No. 73."

Mr. Boone moved that the amendment do lie on the table.

Which motion was not agreed to.

The question recurring on the amendment,

It was agreed to.

The question recurring on the motion as amended,

It was agreed to.

Engrossed House Bill No. 73. A bill fixing the per diem and mileage of members of the General Assembly, and providing that they shall provide their own stationery.

Was read a first time.

Mr. Brown moved to suspend the order of business and take up Senate Bill No. 5.

Which motion was agreed to.

Senate Bill No. 5. An act to require railroad companies to issue stock paid for by taxes, voted in aid of the construction of their railroad, to the tax payers or their assigns, and to issue unclaimed stock for the benefit of the common school fund, and declaring an emergency.

Was read a second time.

Mr. Neff moved to amend by striking out the word "levied," and inserting the word "paid" in section 3.

Which motion was agreed to.

Mr. Rosebrugh asked and obtained leave of absence until Monday at 2 o'clock P. M.

Mr. Sleeth offered the following amendment to Senate Bill No. 5. "Within five years from the time the tax was paid in."

Which motion was agreed to.

Mr. Taylor moved to consider the bill as engrossed.

Which motion was agreed to.

Mr. Taylor moved that the constitutional rule requiring that bills be read on three several days be suspended, and the bill be read a third time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Glessner,	Ringo,
Beardsley,	Gooding,	Rosebrugh,
Beeson,	Gregg,	Sarnighausen,
Bird,	Harney,	Scott,
Boone,	Haworth,	Slater,
Bowman,	Hough,	Sleeth,
Brown,	Howard,	Smith,
Bunyan,	Hubbard,	Steele,
Chapman,	Miller,	Stroud,
Collett,	Neff,	Taylor,
Daggy,	O'Brien,	Thompson,
Dittmore,	Oliver,	Wadge,
Dwiggins,	Orr,	Williams,
Francisco,	Rhodes,	Mr. President.—43.
Friedley of Scott,		

No Senator voting in the negative.

So the rule was suspended, and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Chapman,	Hall,
Beardsley,	Collett,	Harney,
Becson,	Daggy,	Haworth,
Bird,	Dittmore,	Hough,
Boone,	Dwiggins,	Howard,
Bowman,	Francisco,	Hubbard,
Brown,	Friedley, of Scott,	Miller,
Bunyan,	Glessner,	Neff,
Carnahan,	Gooding,	O'Brien,
Cave,	Gregg,	Oliver,

Orr,	Slater,	Taylor,
Rhodes,	Sleeth,	Thompson,
Ringo,	Smith,	Wadge,
Rosebrugh,	Steele,	Williams,
Sarnighausen,	Stroud,	Mr. President—46.
Scott,		

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill ?

It was so ordered.

Ordered that the Secretary inform the House, of the passage of the bill.

Mr. Collett from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills would respectfully report, that they have this day presented to the Governor for his signature, the following enrolled acts of the Senate, to wit :

Senate Enrolled Act No. 8. An act providing for the holding of courts in the Twenty-fifth Common Pleas District of the State of Indiana, and declaring an emergency.

Also, Senate Enrolled Act No. 38. An act, supplemental to an act, approved, February 25, 1865, entitled "An act appointing commissioners to sell certain real estate therein named ; to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof, until the same is provided, and matters properly connected therewith."

Also, Senate Enrolled Act No. 124. "A bill to define what shall be the salary of the Governor ; the manner of paying the same, and declaring an emergency."

Mr. Collet from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills would respectfully report, that they have presented to the Governor, for his signature, December 7th, the following enrolled act, to wit :

Senate Enrolled Act No. 85. "An act to provide for the payment of sundry bonds or stocks of the State of Indiana, issued prior to the year 1841, and declaring an emergency."

Mr. Friedley, of Lawrence, moved to suspend the order of business, and take up Senate Bill No. 134.

Which motion was agreed to.

Senate Bill No. 134. An act to create the Twenty-fifth Judicial District, of the Court of Common Pleas, defining what counties shall compose the same, fixing the time of holding courts therein and the duration of the terms thereof, making all process from the present Common Pleas Courts therein, returnable to such terms, providing for the appointment of a Judge and District Attorney for said district, declaring when the same shall take effect, and repealing all laws inconsistent therewith, and declaring an emergency.

Was read a second time.

Mr. Friedley, of Lawrence, offered the following amendment :

Amend section two after the words "each year" in line number 12, so as to read as follows: "And the terms of the several courts shall continue in session in the county of Morgan, four weeks, and in the counties of Lawrence and Monroe, each three weeks, if the business thereof shall require it.

Which amendment was adopted.

Mr. Friedley moved that the bill be considered as engrossed, and the constitutional rule requiring that bills be read on three several days be suspended, and the bill read a third time now.

Mr. Smith moved to make the bill a special order for to-morrow at 10 o'clock A. M.

Mr. Orr moved to lay the motion on the table.

Which motion was agreed to.

The question recurring on the suspension of the rule,

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Francisco,	Rhodes,
Beardsley,	Friedley, of Scott,	Ringo,
Beeson,	Gooding,	Sarnighausen,
Bird,	Harney,	Scott,
Boone,	Haworth,	Sleeth,
Bowman,	Hough,	Smith,
Brown,	Howard,	Steele,
Bunyan,	Hubbard,	Stroud,
Cave,	Miller,	Taylor,
Chapman,	Neff,	Thompson,
Collett,	O'Brien,	Wadge,
Daggy,	Oliver,	Williams,
Dittemore,	Orr,	Mr. President—42.
Dwiggins,		

*Those who voted in the negative were, Messrs.*

Carnahan,	Hall,	Slater—4.
Glessner,		

So the rule was suspended, and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Daggy,	Howard,
Beardsley,	Dittemore,	Hubbard,
Beeson,	Dwiggins,	Miller,
Bird,	Francisco,	Neff,
Boone,	Friedley, of Scott,	O'Brien,
Bowman,	Gooding,	Oliver,
Brown,	Hall,	Orr,
Bunyan,	Harney,	Rhodes,
Chapman,	Haworth,	Ringo,
Collett,	Hough,	Sarnighausen,

Scott,	Stroud,	Wadge,
Sleeth,	Taylor,	Williams,
Smith,	Thompson,	Mr. President—40.
Steele,		

*Those who voted in the negative were, Messrs.*

Carnahan,	Glessner,	Slater—4.
Cave,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of the bill?

Mr. Scott, from the committee on education, made the following report :

MR. PRESIDENT :

The committee on education, to whom was referred House Bill No. 37, entitled, a bill authorizing an appropriation of money out of the State treasury, for the use of Indiana University, located at Bloomington, Monroe county, in paying debts created by borrowing money for current expenses, in the years 1870 and 1871, have had the same under consideration, and have instructed me to report the same back to the Senate, with a recommendation that it pass.

Which report was concurred in.

Mr. Scott moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill be read a third time now.

Which motion was agreed to.



## THURSDAY MORNING.

DECEMBER 12, 1872, 10 O'CLOCK.

The Senate met.

Prayer was made by Rev. Frost Craft, of the M. E. Church.

On motion by Mr. Steele,  
The reading of the Journal was dispensed with.

Message from the House by Mr. Nixon, clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed Senate Bills, to wit :

Engrossed Senate Bill No. 51. A bill to amend section 1 of an act, entitled, "An act to organize a Supreme Court, and prescribing certain duties of the judges thereof."

Engrossed Senate Bill No. 52. A bill dividing the State into five Supreme Court Districts, providing for the appointment of one judge of said court to fill vacancy, repealing all laws in conflict therewith, and declaring an emergency.

I am also directed to inform the Senate, that the House has passed the following concurrent resolution, to wit :

WHEREAS, The necessity exists for the building of a new State Capitol, for the State of Indiana, and,

WHEREAS, It is the duty of the General Assembly of this State, to use all due diligence and economy in the construction of all public buildings owned by the State ; therefore, be it

*Resolved*, That this General Assembly of Indiana, do hereby offer and award the sum of one thousand dollars, as a premium, to any successful architect or architects who will or may offer and present

to this General Assembly any plans and specifications, that will be suitable and necessary for the construction of a new State Capitol, and that such premiums shall only be paid to such architect or architects, whose plans and specifications may be adopted by this or any future General Assembly of this State; and be it further

*Resolved*, That a committee of five members of this General Assembly be appointed, whereof three such members shall be from the House and two from the Senate, whose duty it shall be to correspond with the leading architects of this country, and this committee is hereby empowered to receive any and all such plans and specifications as may be presented to them, and that this committee thereafter present all such plans and specifications to this General Assembly, for their inspection: *Provided*, however, that the State shall not be liable to any person for the payment of any plans and specifications so furnished, except for such plans and specifications, however, as may be finally adopted.

Engrossed Senate Bill No. 1. A bill to repeal an act entitled "An act to authorize and encourage the construction of levees, dykes, and drains, and the reclamation of wet and overflowed lands, by incorporated companies, and to repeal all former laws relating to the same subject," which took effect, without executive approval, on the 22d day of May, 1869; also, an act to repeal an act entitled "An act supplemental to an act entitled 'An act to authorize and encourage the construction of levees, dykes, and drains, and the reclamation of wet and overflowed lands, by incorporated companies, and to repeal all former laws on the subject,' which took effect May 22, 1869, and prescribing penalties for the violation of the privileges thereof," which last named act was approved on the 23d day of February, 1871, and declaring an emergency.

And the House has amended the title of said Senate Bill No. 1, by adding thereto the following words, viz.: "And saving from the operation of this act all companies, the line of whose work is sixteen miles in length and under."

In which the concurrence of the Senate is respectfully requested.

The time having arrived for the consideration of House Bill No. 49, which was made the special order for this hour, the same was taken up.

Engrossed House Bill No. 49. A bill creating the 22d Judicial

Circuit of Indiana, and fixing the times of holding Circuit Courts therein, and declaring an emergency,

Was read a second time.

Mr. Daugherty moved to recommit the bill to the committee on the judiciary.

On motion by Mr. Steele, the motion was laid on the table.

Mr. Dwiggins moved to take up the message of the House relating to Senate Bill No. 1.

Which motion was agreed to.

Mr. Dwiggins moved that the Senate concur in the amendments proposed by the House of Representatives.

Which motion was agreed to.

Mr. Steele moved that the constitutional rule requiring bills to be read on three several days, be suspended, that House Bill No. 49 may be read a third time now.

Mr. Dwiggins demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was agreed to.

The question being on the suspension of the rules,

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Friedley, of Scott,	Orr,
Beeson,	Gooding,	Rhodes,
Boone,	Hall,	Ringo,
Bowman,	Haworth,	Scott,
Brown,	Hough,	Smith,
Bunyan,	Howard,	Steele,
Chapman,	Hubbard,	Taylor,
Daggy,	Miller,	Thompson,
Dwiggins,	Neff,	Wadge,
Francisco,	Oliver,	Mr. President—30.

*Those who voted in the negative were, Messrs.*

Bird,	Gregg,	Slater,
Carnahan,	Harney,	Stroud,
Cave,	Rosebrugh,	Williams—11.
Daugherty,	Sarnighausen,	

So the rule was not suspended.

Mr. O'Brien asked and obtained indefinite leave of absence.

Mr. Scott moved to suspend order of business and take up House Bill No. 37.

Which was agreed to.

House Bill No. 37. A bill authorizing an appropriation of money out of the State Treasury for the use of the Indiana University, located at Bloomington, Monroe County, in paying debt created by borrowing money for current expenses in the years 1870 and 1871,

Was read a second time.

Mr. Daggy moved to recommit the whole subject to the committee on expenditures.

Mr. Brown moved that the motion do lie on the table.

Which motion was agreed to.

Mr. Scott moved that the constitutional rule requiring that bills be read on three several days be suspended, and the bill read a third time now.

The ayes and noes were taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Chapman,	Hall,
Beeson,	Collett,	Hough,
Bird,	Daggy,	Hubbard,
Boone,	Daugherty,	Miller,
Bowman,	Dwiggins,	Oliver,
Brown,	Francisco,	Rhodes,
Carnahan,	Glessner,	Ringo,
Cave,	Gooding,	Rosebrugh,

Scott,	Stroud,	Wadge,
Slater,	Taylor,	Williams,
Smith,	Thompson,	Mr. President—34.
Steele,		

*Those who voted in the negative were, Messrs.*

Beardsley,	Harney,	Orr,
Bunyan,	Haworth,	Sarnighausen,
Daggy,	Neff,	Sleeth—10.
Dittemore,		

So the rule was suspended and the bill read a third time.

The question being, shall the bill pass?

Mr. Steele moved the previous question.

Which motion was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Dittemore,	Rhodes,
Beardsley,	Dwiggins,	Ringo,
Beeson,	Francisco,	Rosebrugh,
Bird,	Glessner,	Scott,
Boone,	Gooding,	Smith,
Bowman,	Gregg,	Steele,
Brown,	Hall,	Stroud,
Bunyan,	Hough,	Taylor,
Carnahan,	Hubbard,	Thompson,
Cave,	Miller,	Wadge,
Chapman,	Oliver,	Williams,
Daggy,	Orr,	Mr. President—37.
Daugherty,		

*Those who voted in the negative were, Messrs.*

Harney,	Neff,	Slater—5.
Haworth,	Sarnighausen,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Scott moved to amend by striking out the words, "a bill," and insert "an act."

Which motion was agreed to.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of the bill.

Mr. Slater made the following report :

MR. PRESIDENT :

The committee on enrolled bills respectfully report that they have examined and compared the following enrolled act, to-wit: Enrolled Senate Act No. 147, "A bill in relation to the funded debt of the State of Indiana," therein mentioned, and find it correctly enrolled.

Mr. Brown moved to postpone the special order, Senate Bill No. 88, and make it the special order for 2:30 P. M.

Which motion was agreed to.

Mr. Dittmore moved to suspend the order of business and take up House Bill No. 73.

Which motion was agreed to.

House Bill No. 73. A bill fixing the per diem and mileage of the members of the General Assembly, and providing that they shall provide their own stationery,

Was read a second time.

Mr. Dittmore moved that the constitutional rule requiring that bills be read on three several days be suspended and the bill read a third time.

Mr. Brown demanded the previous question,  
Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question recurring on the suspension of the constitutional rule,

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Francisco,	Sarnighausen,
Beeson,	Glessner,	Scott,
Bird,	Gregg,	Slater,
Bowman,	Hall,	Sleeth,
Brown,	Hough,	Smith,
Carnahan,	Howard,	Steele,
Cave,	Rhodes,	Stroud,
Daugherty,	Ringo,	Wadge,
Dittemore.	Rosebrugh,	Mr. President—27.

*Those who voted in the negative were, Messrs.*

Beardsley,	Dwiggins,	Oliver,
Boone,	Harney,	Orr,
Bunyan,	Haworth,	Taylor,
Chapman,	Hubbard,	Thompson,
Collett,	Miller,	Williams—17.
Daggy,	Neff,	

So the rule was not suspended.

Mr. Steele moved to suspend the order of business and take up Senate Bill No. 3.

Which motion was agreed to.

Senate Bill No. 3. An act to amend section 4 of an act entitled "An act concerning the organization and perpetuity of voluntary associations, and repealing an act entitled 'An act concerning the organization of voluntary associations and repealing former laws in reference thereto,' approved February 12th, 1853, and repealing

each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act," approved February 20th, 1867, and declaring an emergency.

Was read a second time.

Mr. Steele moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill be read a third time now.

The ayes and noes being taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Friedley of Scott,	Ringo,
Beardsley,	Glessner,	Rosebrugh,
Beeson,	Gooding,	Sarnighausen,
Bird,	Gregg,	Scott,
Boone,	Hall,	Slater,
Bowman,	Harney,	Sleeth,
Brown,	Haworth,	Smith,
Bunyan,	Hough,	Steele,
Carnahan,	Howard,	Stroud,
Cave,	Hubbard,	Thompson,
Collett,	Miller,	Wadge,
Daggy,	Oliver,	Williams,
Daugherty,	Orr,	Mr. President—41.
Dwiggins,	Rhodes,	

*Those who voted in the negative were, Messrs.*

Chapman,	Neff—2.
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So the rule was suspended, and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Bowman,	Chapman,
Beardsley,	Brown,	Collett,
Beeson,	Bunyan,	Daggy,
Bird,	Carnahan,	Daugherty,
Boone,	Cave,	Dittemore,



Dwiggins,	Hubbard,	Slater,
Francisco,	Miller,	Sleeth,
Friedley, of Scott,	Neff,	Smith,
Glessner,	Oliver,	Steele,
Gooding,	Orr,	Stroud,
Gregg,	Rhodes,	Taylor,
Hall,	Ringo,	Thompson,
Harney,	Rosebrugh,	Wadge,
Haworth,	Sarnighausen,	Williams,
Hough,	Scott,	Mr. President—46.
Howard,		

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of bill.

Mr. Rhodes moved to suspend the order of business, and take up Senate Bill No. 68.

Which motion was agreed to.

Senate Bill No. 68. A bill to amend the second section of an act, entitled, "An act creating the Twenty-third Common Pleas District, and making provision therefor, and repealing all conflicting laws," approved March 11, 1867, providing for the return of process, and declaring an emergency.

Was read a second time.

Mr. Rhodes moved to consider the bill engrossed, and the constitutional rule requiring that bills be read on three several days be suspended, and the bill be read a third time now.

The ayes and noes being taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Glessner,	Ringo,
Beeson,	Gooding,	Sarnighausen,
Bird,	Gregg,	Scott,
Bowman,	Hall,	Slater,
Bunyan,	Haworth,	Sleeth,
Carnahan,	Hough,	Smith,
Chapman,	Howard,	Stroud,
Collett,	Hubbard,	Steele,
Daggy,	Miller,	Taylor,
Daugherty,	Neff,	Thompson,
Dittmore,	Oliver,	Wadge,
Dwiggins,	Orr,	Williams,
Francisco,	Rhodes,	Mr. President—40.
Friedley, of Scott,		

*Those who voted in the negative were, Messrs.*

Brown, Cave—2.

So the rule was suspended, and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Dwiggins,	Rhodes,
Beardsley,	Friedley, of Scott,	Ringo,
Beeson,	Glessner,	Rosebrugh,
Bird,	Gooding,	Sarnighausen,
Boone,	Gregg,	Scott,
Bowman,	Hall,	Slater,
Brown,	Harney,	Sleeth,
Bunyan,	Haworth,	Smith,
Carnahan,	Hough,	Steele,
Cave,	Howard,	Stroud,
Chapman,	Hubbard,	Taylor,
Collett,	Miller,	Thompson,
Daggy,	Neff,	Wadge,
Daugherty,	Oliver,	Williams,
Dittmore,	Orr,	Mr. President—45.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill ?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of the bill.

Message from the House, by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled acts of the Senate, to-wit:

Enrolled Act No. 85, Senate. An act to provide for the payment of sundry bonds or stocks of the State of Indiana, issued prior to the year 1841, and declaring an emergency.

Enrolled Joint Resolution No. 2, Senate. A joint resolution in relation to the two per cent. claims of Ohio, Indiana and Illinois, now pending before Congress, and the same is herewith respectfully transmitted to the Senate.

By unanimous consent, Mr. Beardsley introduced

Senate Bill No 145. An act in relation to the organization of the two Houses of the General Assembly, prescribing the number of officers and employes of each House and regulating their duties.

Which was read a first time.

Mr. Orr moved that the Senate take a recess until 2 o'clock P. M.

Which motion was agreed to.

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#### AFTERNOON SESSION.

The Senate reassembled at 2 o'clock.

By unanimous consent, Mr. Carnahan offered the following:

WHEREAS, It has been charged through the public press and otherwise that John I. Morrison and Nathan Kimball, late Treasurers of State; James B. Ryan, present Treasurer of State; Thomas B. McCarty and John D. Evans, late Auditors of State, and John C. Shoemaker, present Auditor, have loaned, deposited and otherwise used the public funds contrary to law; therefore,

*Resolved*, That the committee on finance be directed to make such investigation in relation thereto as the public interest and exigencies of the case seem to require, and report the result of their examination to the Senate.

Mr. Brown moved to strike out all the names in the resolution except John C. Shoemaker and James B. Ryan.

Mr. Carnahan moved that the motion do lie on the table.

Messrs. Carnahan and Slater demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Glessner,	Rosebrugh,
Boone,	Gooding,	Sarnighausen,
Bowman,	Gregg,	Slater,
Bunyan,	Hall,	Smith,
Carnahan,	Harney,	Stroud,
Cave,	Neff,	Williams—20.
Francisco,	Ringo,	

*Those who voted in the negative were, Messrs.*

Beardsley,	Friedley,	Orr,
Beeson,	Haworth,	Scott,
Bird,	Hough,	Sleeth,
Brown,	Howard,	Taylor,
Chapman,	Hubbard,	Thompson
Daggy,	Miller,	Wadge,
Dittemore,	Oliver,	Mr. President—22.
Dwiggins,		

So the motion was not agreed to.

Message from the Governor, by Mr. Commons, his Private Secretary :

MR. PRESIDENT :

I am directed by the Governor, to respectfully inform the Senate, that he has approved and signed Enrolled Act of the Senate, No. 8, entitled "An act to provide for the holding of courts in the Twenty-fifth Common Pleas District of Indiana, and declaring an emergency."

Also, Enrolled Act of the Senate, No. 38, entitled "An act supplemental to an act approved, February 25, 1865, entitled 'An act appointing commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof, until the same is provided, and matters properly connected therewith.'"

Also, Enrolled Act of the Senate No. 124, entitled "An act to define what shall be the salary of the Governor, the manner of paying the same, and declaring an emergency."

And that the said acts have been deposited in the office of the Secretary of the State.

The question recurring on the adoption of the resolution of Mr. Carnahan.

Mr. Hough offered the following substitute :

WHEREAS, In the opinion of the Senate, there is a great deal too much looseness in the manner in which the tightness of the things of the public press is kept; and,

WHEREAS, An increase of the tightness in the looseness aforesaid is a thing greatly to be desired; therefore,

*Resolved*, That a committee of some unascertainable number be appointed to investigate the looseness of the tightness aforesaid, and report by bill or otherwise.

Mr. Armstrong moved the whole subject do lie on the table.

Which motion was agreed to.

Mr. Glessner moved to reconsider the vote on the adoption of the resolution offered by Mr. Dittemore, several days ago, with reference to the reasons for the non-distribution of the Sinking Fund, as required by law of the session of 1871.

Mr. Hough moved the motion do lie on the table.

Messrs. Gregg and Carnahan demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Friedley, of Scott,	Rhodes,
Beardsley,	Gooding,	Ringo,
Beeson,	Harney,	Sarnighausen,
Bird,	Haworth,	Scott,
Boone,	Hough,	Slater,
Brown,	Howard,	Sleeth,
Bunyan,	Hubbard,	Stroud,
Chapman,	Miller,	Taylor,
Collett,	Neff,	Thompson,
Daggy,	Oliver,	Wadge,
Dittemore,	Orr,	Mr. President—34.
Dwiggins,		

*Those who voted in the negative were, Messrs.*

Bowman,	Francisco,	Hall,
Carnahan,	Glessner,	Smith,
Cave,	Gregg,	Williams—9.

So the motion to reconsider was ordered to lie on the table.

Mr. Dwiggins, from the committee on corporations, asked leave to withdraw the report of the committee on Senate Bill No. 56, and to submit report on Senate Bill No. 49.

Which motion was agreed to.

Mr. Hubbard, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate Bill No. 49, entitled "An act to amend section 22 of an act entitled 'An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties,' approved June 11, 1852, and declaring an emergency," have had the same under consideration, and have directed me to report the same back, with the following amendments, to wit:

Amend by inserting in the title of said bill, immediately after the word "twenty-two" in the first line thereof, the words "and section twenty-three."

Amend further by inserting in said bill the following as section two thereof, to wit :

Section 2. Such board of trustees shall have power to enact or fix fines, penalties and forfeitures for violations of this act, or of any by-law or ordinance by them established, not exceeding ten dollars for any offence, which may be recovered by civil action in the name of the corporation before any justice of the peace residing within the incorporate limits of such town, or in any court of record in the county in which such town is situate: *Provided*, That the fine or forfeiture fixed for each violation of any ordinance requiring a license, shall not be less than the amount required to be paid for such license, although such amount may exceed the sum of ten dollars. And amend further by changing the number of section two, as the same now stands, so that the same will read section No. 3. And that when said bill shall be so amended, they recommend that the same do pass.

Which report was concurred in.

Mr. Gooding offered the following :

A resolution to appoint a committee to inquire into the condition and records of the office of Secretary of State.

WHEREAS, The late Secretary of State reported to the Governor of Indiana that a reorganization of the duties of his office was greatly needed for the public interests; and,

WHEREAS, The present Secretary represents the absence of important documents, records, registers and indices; and,

WHEREAS, The present General Assembly have passed acts, and have pending bills affecting the business of this office, therefore in order to obtain information, be it

*Resolved*, That a special committee of three members of this Senate be appointed by the President to act along or with any committee appointed by the House for a similar purpose, to investigate the condition and records of the office of the Secretary of State,

and to inquire if any legislation is necessary, and to report by bill or otherwise.

Which resolution was adopted.

Mr. Boone moved to take Senate Bill No. 78 from the table and place it on the files.

Which motion was agreed to.

#### SPECIAL ORDER.

The hour having arrived for the consideration of Senate Bill No. 115, it having been made the special order for 2:30 this day, Mr. Scott offered the following amendment: Add at the end of line No. 13, section No. 2, "Nor when the compensation allowed by law shall be less than the amount so offered."

Mr. Brown moved the amendment do lie on the table.

Which motion was agreed to.

Mr. Scott offered the following amendment:

Insert after the word "carrier," in line No. 2 and No. 5, section No. 6, the words, "or any other person or corporation."

Which was agreed to.

Mr. Scott offered the following amendments:

Add at the end of line No. 7, section 7, the following: "Provided that the provisions of this section shall not apply to freights moved in bulk from other roads."

Mr. Brown moved the amendment do lie on the table.

Which motion was agreed to.

Mr. Brown moved that the bill be considered as engrossed and read a third time now.

Which motion was agreed to.

Senate Bill No. 115. A bill to prevent extortionate charges for and unjust discrimination in the transportations of freight by



railroad companies, and other common carriers, and to provide a remedy when such extortion or discrimination is practiced,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Glessner,	Ringo,
Beardsley,	Gooding,	Rosebrugh,
Bird,	Gregg,	Sarnighansen,
Boone,	Hall,	Slater,
Bowman,	Harney,	Sleeth,
Brown,	Haworth,	Smith,
Bunyan,	Hough,	Stroud,
Carnahan,	Hubbard,	Taylor,
Cave,	Miller,	Thompson,
Chapman,	Neff,	Wadge,
Daggy,	Oliver,	Williams,
Dittimore,	Orr,	Mr. President—38.
Dwiggins,	Rhodes,	

*Those who voted in the negative were, Messrs.*

Collett,	Howard,	Scott—4.
Francisco,		

So the bill passed.

The question being shall the title as read stand as the title of the bill?

Mr. Brown moved to amend the title by saying "an act," instead of "a bill."

Which motion was agreed to.

Mr. Scott moved to amend by adding, "and for the assignment of claims."

Which motion was agreed to.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of the bill.

Mr. Sarnighausen moved to suspend the order of business and take up Senate Bill No. 10.

Which motion was agreed to.

Senate Bill No. 10. A bill to amend section 58 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers, rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 18, 1867, and declaring an emergency,

Was taken up.

Mr. Sarnighausen moved that the bill be considered as engrossed, and that the constitutional rule requiring bills to be read on three several days be suspended and the bill be read a third time now.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Francisco,	Rhodes,
Bird,	Glessner,	Rosebrugh,
Boone,	Gooding,	Sarnighausen,
Bowman,	Hall,	Scott,
Bunyan,	Harney,	Slater,
Carnahan,	Haworth,	Steele,
Cave,	Hough,	Smith,
Chapman,	Howard,	Stroud,
Collett,	Hubbard,	Thompson,
Daggy,	Miller,	Wadge,
Dittemore,	Oliver,	Williams—35.
Dwiggins,	Orr,	

No Senator voting in the negative.

So the rule was suspended.

Senate Bill No. 10. An act to amend section 50 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights and the manner in which

they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 4, 1867, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Gregg,	Rosebrugh,
Bird,	Hall,	Sarnighausen,
Boone,	Harney,	Scott,
Bowman,	Haworth,	Sleeth,
Brown,	Hough,	Smith,
Bunyan,	Howard,	Stroud,
Carnahan,	Hubbard,	Thompson,
Chapman,	Neff,	Wadge,
Dittemore,	Oliver,	Williams—31.
Dwiggins,	Orr,	
Gooding,	Rhodes,	

*Those who voted in the negative were, Messrs.*

Beardsley,	Daggy,	Miller,
Cave,	Francisco,	Slater,
Collett,	Glessner,	Mr. President—9.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of the bill.

Mr. Daggy offered the following:

*Resolved,* That during the balance of this special session of the General Assembly, the Senate will conduct its business daily according to the order of business, as laid down in the rules.

Which resolution was adopted.

On motion,  
S. J.—22

The Principal Door-Keeper was granted leave of absence until Saturday next, at 2 o'clock P. M.

The President announced that he had signed Enrolled Joint Resolution No. 2, and Enrolled Senate Act No. 85.

Mr. Collett, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills, respectfully report that they have this day presented to the Governor, for his signature, Enrolled Act of the Senate No. 85, also Enrolled Joint Resolution of the Senate No. 2.

Mr. Hubbard, from the committee on engrossed bills, made the following report on Senate Bill No. 88:

MR. PRESIDENT:

The committee on engrossed bills, report that they have examined Engrossed Senate Bill No. 88, to wit: "An act to authorize and encourage the construction of levees, dykes, drains and ditches, and the reclamation of wet and overflowed lands by incorporated associations, and providing for the incorporation of such associations, and prescribing their powers, and providing for the assessment of the cost of such improvement, and the expense attending the same, upon the lands benefitted thereby, and for the collection of such assessments, and find the same correctly engrossed.

Mr. Boone, by unanimous consent, offered the following amendment to Senate Bill No. 88:

No action shall be commenced by any company to enforce any lien upon lands for benefits assessed, after the expiration of five years from and after the date of recording the schedules of assessment constituting such lien as contemplated by this act, and any such assessment made pursuant to any former law of this State upon the same subject, when no action pending for the enforcement of the same shall be *prima facie*, satisfied upon the record thereof after the lapse of five

years, from and after the recording of the schedule of such assessment.

Which was adopted.

Senate Bill No. 88. An act to authorize and encourage the construction of levees, dykes, drains and ditches, and the reclamation of wet and overflowed lands by incorporated associations, and providing for the organization of such associations, and prescribing their powers, and providing for the assessment of the cost of such improvements and the expenses attending the same upon the lands benefited thereby, and for the collection of such assessment.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Francisco,	Oliver,
Beardsley,	Friedley,	Orr,
Beeson,	Glessner,	Sarnighausen,
Bird,	Gooding,	Scott,
Boone,	Gregg,	Slater,
Bowman,	Hall,	Sleeth,
Bunyan,	Harney,	Smith,
Carnahan,	Haworth,	Stroud,
Chapman,	Hough,	Taylor,
Collett,	Hubbard,	Thompson,
Daggy,	Miller,	Wadge,
Dwiggins,	Neff,	Williams—36.

*Those who voted in the negative were, Messrs.*

Cave,	Rosebrugh,	Mr. President—4.
Howard,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Chapman moved to strike out the word "the" in the title immediately before the word "overflowed."

Which motion was agreed to.

The question being, shall the title as amended stand as the title of the bill,

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of the bill.

On motion by Mr. Carnahan,

The Senate adjourned.

## FRIDAY MORNING.

DECEMBER 13, 1872, 10 O'CLOCK.

The Senate met.

Pending the reading of the Journal,

On motion by Mr. Orr,

The further reading was dispensed with.

Message from the House by Mr. Nixon, Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to-wit:

Engrossed House Bill No. 64. A bill making the first day of January, the fourth day of July, the twenty-fifth day of December, Thanksgiving days and the days of the general elections, State and Presidential, holidays, and to regulate the maturity of commercial paper falling due on said days.

Engrossed House Bill No. 90. A bill touching public squares in towns laid out, platted and recorded, with public grounds not specifically dedicated, and the matter therewith connected.

Engrossed House Bill No. 112. A bill to render wives competent to testify in actions brought for injury done to them.

I am also directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled acts of the Senate, to-wit:

Enrolled Act No. 141. An act in relation to the funded debt of

the State of Indiana, therein mentioned, and the same is herewith returned to the Senate for the signature of the President thereof.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Armstrong presented a memorial signed by the Mayor and citizens of Kokomo, on the subject of legalizing a certain school tax improperly levied by the School Trustees of said city.

Which was referred to the committee on education.

Mr. Neff presented two petitions from the citizens of Randolph county.

Which were referred to the committee on corporations without reading.

Mr. Bunyan presented a petition on the subject of railroads.

Which was referred to the committee on railroads.

Mr. Taylor presented a petition on the subject of canals.

Which was referred to the committee on the judiciary, without reading.

Mr. Hough presented a petition, from the citizens of Henry county, on the subject of railroads.

Which was referred to the committee on railroads, without reading.

Mr. Daggy presented a petition praying for a law restraining hunting on enclosed grounds.

Which was referred to the committee on agriculture, without reading.

Mr. Collett presented a petition praying for the enactment of a law, to prevent hunting on enclosed grounds.

Which was referred to the committee on agriculture, without reading.



## REPORTS FROM STANDING COMMITTEES.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT :

The committee, to whom was referred Senate Bill No. 23, entitled "A bill to authorize the Board of Commissioners of the several counties of this State, to appropriate money, to aid in putting or keeping in repair, any canal running through, along, or by any such county," have had the same under consideration, and have directed me to report the same back to the Senate, and respectfully recommend the passage of the bill, after the adoption of the following amendment, to wit.: Section two. "It shall be the duty of the commissioners in all counties making appropriations, to draw an order on the county auditor in such county, to pay the superintendent or agent, whose duty it may be to keep in repair such canal, upon his making a proper showing, that an amount of work and labor, or materials furnished, has been done to cover the amount of money demanded, giving a proper voucher for the same."

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee to whom were referred Senate Bill No. 103, entitled "An act to amend section 78 of an act entitled "An act to provide for a general system of common schools, the officers thereof, their respective powers and duties, and matters properly connected therewith, and to establish township libraries and the regulation thereof," have had the same under consideration, and report it back to the Senate with the recommendation that it do pass.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT :

The committee to whom was referred Senate Bill No. 98, entitled "An act to prevent the carrying of concealed or dangerous weapons, and to provide punishment therefor," have had the same under consideration, and report the bill back to the Senate and recommend that it be amended by striking out the words "and be imprisoned in the State prison not less than one year nor more than three years," from the second section, and when so amended that the bill do pass.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee, to whom was referred Senate Bill No. 93, entitled "An act limiting the number of grand and petit jurors," have had the same under consideration, and report it back to the Senate, and recommend that it be indefinitely postponed.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee, to whom was referred Senate Bill No. 42, entitled a bill to repeal section 15 of an act entitled "An act concerning promissory notes, bills of exchange, bonds, or other instruments in writing, signed by any person who promises to pay money, or acknowledges money to be due, or for the delivery of any specific article, or to convey property, or to perform any stipulation therein mentioned, and repealing all laws coming in conflict therewith," approved March 11, 1861 ; and also to repeal an act entitled "An act providing for the redemption of real property, or any interest therein, sold on execution, or order of sale, and providing for the issue of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith," approved June 4, 1861, have had the same under consideration, and

report it back to the Senate, and recommend that it do lie on the table.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee, to whom was referred Senate Bill No. 67, "A bill amending section 29 of the justices' act," have had the same under consideration, and return it to the Senate, with the recommendation that it be indefinitely postponed.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee, to whom was referred Senate Bill No. 102, entitled "An act to repeal all laws, providing for the appraisement of property taken on execution, or other final process," have had the same under consideration, and report it back to the Senate, and recommend that it lie on the table.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 92, entitled "A bill to amend section 16 of an act concerning real property and the alienation thereof," have had the same under consideration, and return it to the Senate and recommend that it be indefinitely postponed.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT :

The committee to whom was referred Senate Bill No. 57, entitled "An act to repeal an act entitled an act to prevent the breaking of a quorum in the General Assembly, and prescribing punishment therefor," approved February 7, 1869, have had the same under consideration, and report the same back to the Senate and recommend that it be indefinitely postponed.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee to whom was referred Senate Bill No. 60, entitled "A bill regulating interest on all judgments or decrees, and repealing all laws in conflict therewith," have had the same under consideration, and return it to the Senate with the recommendation that it be indefinitely postponed.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee to whom was referred Senate Bill No. 90, entitled "A bill to amend section 24 of an act entitled an act regulating descents and apportionment of estates," approved May 14, 1852, and declaring an emergency, have had the same under consideration, and report it back to the Senate and recommend that it do lie on the table.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee to whom was referred Senate Bill No. 18, entitled "A bill repealing an act entitled an act authorizing assessments for

plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same," approved May 14, 1869, and also repealing an act authorizing the construction of plank, macadamized and gravel roads, approved March 11, 1869, have had the same under consideration, and now report the same back to the Senate and recommend that it be indefinitely postponed.

On motion by Mr. Brown,

The report was ordered to lie on the table.

Mr. Brown, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee to whom was referred Senate Bill No. 46, entitled a bill repealing section 41 of an act entitled "An act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof, and declaring an emergency," have had the same under consideration and report it back to the Senate and recommend that it do lie on the table.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee to whom was referred Senate Resolution concerning the rights of married women, have had the same under consideration and report it back to the Senate and recommend that it do lie on the table.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee to whom was referred Senate Bill No. 91, entitled "An act declaring the real estate of married women liable for debts

contracted by her for necessities furnished her family, and for work and labor performed on such real estate, and declaring an emergency, have had the same under consideration and report it back to the Senate and recommend that it be indefinitely postponed.

Mr. Brown moved the report do lie on the table.

Which was agreed to.

Mr. Dwiggins, from the committee on banks, made the following report :

MR. PRESIDENT :

The committee to whom was referred Senate Bill No. 4, have had the same under consideration and a majority of the committee report the following bill as a substitute for said bill, and recommend that the said substitute do pass :

Strike out all after the enacting clause and insert the following :  
 "That the shares or capital stock owned or held by any person or body corporate in this State, in any bank or banking association, chartered or organized under the law of this State, or under the laws of the United States, and having its banking house or place of business in this State, shall be included in the relation of the personal property of the owner or holder thereof for taxation where such owner or holder resides, for municipal and all other purposes, the same as other personal property, and shall be assessed in the same manner and taxed at the same rate as other personal property."

SEC. 2. *Be it further enacted*, That the shares or capital stock owned or held by any person not an inhabitant of this State, in any such bank or banking association, shall be subject to taxation for municipal and all other purposes, at the place where the bank is situated, the same as other personal property.

Mr. Gregg, from the committee on banks, made the following minority report :

MR. PRESIDENT :

The minority of the committee on banks beg leave to report that they have had under consideration Senate Bill No. 4, entitled "a bill

to provide for the assessment and collection of taxes for municipal purposes on the shares of stock owned in banks and banking associations doing business in this State," and concur in the report; that Senate Bill No. 4 is an exact copy of House Bill No. 6, introduced into the House of Representatives of the Forty-seventh General Assembly of the State of Indiana, and referred by said body to the committee on the judiciary, and by that committee reported back with the unanimous recommendation that it do pass. Afterward, to-wit: on the 9th of February, 1871, said bill passed the House of Representatives with the endorsement of 85 yeas to 8 noes. The bill was received in the Senate on the 10th day of February, 1871, and failed to pass that body by reason of the abrupt termination of the Legislature. The bill reported herewith is complete in all its provisions to carry out the object and purposes expressed in the title. The object of the bill is to tax the shares of the national banks for municipal purposes, at the town or city where the bank is located, at the same rate other personal property is taxed. The bill reported by the majority of the committee provides that the shares in the national banks shall be taxed where the owners thereof reside respectively, and not at the town or city where the bank is located unless the owner of said stock resides in said town or city, (non-residents excepted.) At the time of the enactment of the general tax law of this State, the State banks were not subject to taxation for municipal purposes, and no provision was made for the place where their stock should be taxed for municipal purposes. It was provided, however, that the stock of merchants and manufacturers shall be taxed where located. Municipal taxation rests upon the theory that the property situated in the city and protected by its government, shall bear its proper share of the burthen of supporting such government. If the shares of banks are to be taxed where the owner resides, then the owners of bank stock residing in the county would have no tax to pay for municipal purposes, though the bank was located in the city and their property had the protection of the city government. Congress has long since given the power to tax shares of capital stock of national banks and banking associations, for city and municipal purposes. (See section 87 of the revision of the United States statutes, title "L. N. B.") The cities and towns of this State have long suffered for the want of necessary legislation upon this subject.

It is therefore recommended that the bill herewith reported do pass.

Mr. Dwiggins moved that both reports do lie on the table.

Which was agreed to.

Mr. Oliver, from the committee on public buildings, made the following report :

MR. PRESIDENT :

The committee to whom was referred Senate Bill No. 87, entitled "An act granting the consent of the State of Indiana, for the purchase by the United States, of certain lands for the purpose of the erection of a public building at Evansville, and ceding jurisdiction over the same," have had the same under consideration, and instruct me to report the same back and recommend its passage.

Which report was concurred in.

Mr. Neff, from the committee on claims, made the following report :

MR. PRESIDENT :

The committee to whom was referred a claim in favor of Thomas G. Richey, for his services as constable in serving witnesses in the case of the contest of J. W. Burson, at the last regular session of the Legislature have had the same under consideration, and recommend that the claimant be allowed \$50, and recommend that the same be referred to the financial committee to be incorporated in the special appropriation bill.

Which report was concurred in, and the claim referred to the committee on finance.

Mr. Neff, from the committee on claims, made the following report :

MR. PRESIDENT :

The committee to whom was referred the claim of McCoy and Root, for coal, amounting to \$5.00, have had the same under consideration, and recommend that it be allowed, and that the same be referred to the committee on finance, to be incorporated in the specific appropriation bill.



Which report was concurred in, and the claim referred to the committee on finance.

Mr. Neff, from the committee on claims, made the following report:

MR. PRESIDENT :

The committee, to whom was referred a claim in favor of Julius Boetticher, for copies of the Volksblatt, wrapped and stamped, furnished the Senate at the last regular session of the Legislature, have had the same under consideration, and recommend that the claimant be allowed \$211.20, and that the same be referred to the committee on finance, to be incorporated in the specific appropriation bill.

Which report was concurred in.

Mr. Neff, from the committee on claims, made the following report.

MR. PRESIDENT :

The committee to whom was referred a claim for \$500, in favor of Osborn and Calkins, as attorneys fees in the Calumet feeder dam matter, have had the same under consideration, and recommend that they be allowed \$400, and that the same be referred to the committee on finance, to be incorporated in the specific appropriation bill.

Which report was concurred in.

Mr. Neff, from the committee on claims, made the following report:

MR. PRESIDENT :

The committee to whom was referred a claim for \$199, in favor of John Sarnighausen, for his expenses in defending his seat when contested by O. Bird, at the last regular session of the Legislature, have taken the same under consideration, and return the same to the Senate, and recommend that it be allowed, and the committee recommend that the President order a warrant to be issued on the State treasury for the same.

Which report was concurred in.

Mr. Neff, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee to whom was referred a claim in favor of R. J. Bright & Co., for copies of the *Sentinel* furnished to the Senate at the last regular session, have taken the same under consideration, and recommend that the claimant be allowed \$636.52, and that the same be referred to the committee on finance, and incorporated in the specific appropriation bill.

Which report was concurred in.

Mr. Neff, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee to whom was referred a claim in favor of the Indianapolis Journal Company for copies of the *Journal* wrapped and stamped, and also "roll calls" and "cards," with Senators' addresses, furnished to the Senate at the last regular session, have had the same under consideration and recommend that the claimants be allowed \$655.00 and that the same be referred to the committee on finance to be incorporated in the specific appropriation bill.

Which report was concurred in.

Mr. Neff, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee to whom was referred a claim in favor of George D. Farmer, for attending as a witness in the Burson contest case at the last regular session of the Legislature, have had the same under consideration, and recommend that the claimant be allowed \$17.20, and that the same be referred to the committee on finance to be incorporated in the specific appropriation bill.

Which report was concurred in.

Mr. Hall, from the joint committee on enrolled bills, made the following report:

MR. PRESIDENT :

The joint committee on enrolled bills direct me to say that they have carefully compared Enrolled Act No. 70, providing that border counties may subscribe to railroads, and providing for taxation ; also Enrolled House Joint Resolution No, 2, relating to the Wabash and Erie Canal, and find them correctly enrolled.

The President laid before the Senate the following communication from the Superintendent of the Institute for the Blind :

INDIANA INSTITUTION FOR THE BLIND,  
INDIANAPOLIS, Dec. 13, 1872.

PRESIDENT OF THE SENATE :

DEAR SIR:—Be so kind as to announce to the officers and members of the Senate that a concert will be given at the State Institute of the Blind, on this Friday evening, at 7:30 o'clock, for the exclusive entertainment of the General Assembly, and oblige.

Yours respectfully,

W. H. CHURCHMAN,  
Superintendent.

Message from the House, by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled acts of the House, to-wit:

Enrolled Act No. 70. An act to enable counties bordering on State lines, or rivers forming State boundaries and townships and cities therein, to aid in the construction of railroads opposite such counties in other States, etc.

Also, Enrolled Joint Resolution No. 2. A joint resolution agreeing to and adopting an amendment proposed to the Constitution by the last General Assembly, by adding to the 10th article a section in relation to the debt charged upon the Wabash and Erie canal.

And the same are herewith transmitted to the Senate for the signature of the President thereof.

Mr. Orr, from the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee to whom was referred the petition of sundry citizens of Delaware county, asking the repeal or modification of an act to authorize aid to the construction of railroads by counties and townships taking stock in, or making donations to railroad companies, would respectfully report that they have had the same under consideration, and beg leave to report the following bill in relation thereto, and recommend its passage.

Which report was concurred in.

Mr. Sleeth, from the committee on railroads, made the following report:

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 59, introduced by Mr. Haworth, to authorize the postponement of the collection of taxes levied to aid in the construction of railroads, by counties and townships, respectfully report that they have had the same under consideration, and report the same back to the Senate with the following amendment as a substitute, viz.: Strike out all after the enacting clause and insert the following:

That Section 12, of an act entitled an "Act to authorize aid to the construction of railroads by counties and towns, taking stock in, and making donations to railroad companies," approved May 12, 1869, be and the same is hereby amended to read as follows, viz: "If a majority of said votes cast shall be in favor of such railroad appropriations, and if it shall appear to the satisfaction of the Board of Commissioners of such county, that the railroad to be constructed has been permanently located through the county or township so voting, and such location established and adopted by order of resolution of the Board of Directors of such railroad company, properly entered among the records of their proceedings, then such Board of Commissioners shall at their regular June session, next after such

election, grant the prayer of such petition, and shall levy a special tax of at least one-half the amount specified in said petition, upon the real and personal property in the county or township so voting, liable to taxation for State and county purposes, not exceeding, however, one per centum thereon; and if the same so levied, shall not be equal to the amount specified in said petition, then the residue shall be levied at their June session the following year: *Provided*, it shall be made to appear to the satisfaction of such boards, that money has been expended by such company in the construction of such railroad in the county or township voting such tax, to an amount equal to one-third the entire cost of preparing the same ready for the iron to be laid thereon, in or through the county or township voting such tax, and all such tax so levied shall be collected in all respects as other taxes as collected, except as hereinafter provided.

SEC. 2. Said Board of County Commissioners is hereby authorized and empowered, at their regular December term next after such levee has been made, to suspend and postpone the collection of such special tax for a period not exceeding one year, unless it shall have been made to appear to said Board that money has been expended by said company in the county or township voting such tax, to an amount equal to one-sixth of the entire cost of preparing said railroad ready for iron to be laid thereon, in or through the county or township voting such tax, and such Board may, at the expiration of such period again suspend and postpone the collection of such tax, unless it shall be shown to their satisfaction that money has been paid out and expended by said company in the county or township voting such tax in the construction of such railroad to an amount equal to one-half the entire cost of preparing such road ready for the iron to be laid thereon, in or through the county or township voting such tax, and at the expiration of such second suspension it shall be the duty of such Board of County Commissioners to release, annul, and set aside all such special assessment made under the authority of such vote, and as a part of such intended appropriation, unless it shall be made to appear to such Board that money has been paid out and expended by such company in the county or township voting such tax, in the construction of such railroad to an amount equal to three-fourths of the entire cost of preparing such railroad ready for the iron to be laid thereon, in or through such county or township voting such tax.

SEC. 3. In all cases where a special tax has been heretofore

levied by the Board of Commissioners, of any county, under the provisions of said section 12, of said act, and the same is now on the tax duplicate of such county, and all uncollected, such Board of Commissioners is hereby authorized and empowered, at any regular or special session, to suspend and postpone the collection of such tax, until the next regular December term of such board of commissioners following postponement, unless it shall be shown, to the satisfaction of such board, that the proposed railroad has been permanently located through the county or township upon which such levy is made, in all respects as required in the first section of this act, and unless it shall, also, be further shown to the satisfaction of such board, that money has been paid out and expended in the construction of such railroad, by said company, equal in amount to the one-sixth of the entire cost of constructing such railroad, ready for the iron to be laid in or through such county or township voting such tax, and such board of commissioners shall have the same power and control over such assessment thereafter, in regard to postponing the collection thereof, or amending or setting aside the same, and to be exercised under the same conditions as provided in the last preceding section, and when the collection of any tax is postponed as provided for in this act, no penalty, interest or cost, shall attach for the non-payment of any portion thereof, during such period of postponement; *Provided*, that in estimating the amount of money paid and expended by such company, and in estimating the entire cost of preparing such railroad ready for iron in the county or township voting such tax, whenever the same are required by this act, no account shall be taken of the cost of any portion of such railroad, as may have been constructed, or of money expended, prior to such election in such county or township voting such tax.

SEC. 4. *Be it further enacted*, That section 14 of said act be and the same is hereby amended to read as follows, viz. :

Said Board of Commissioners may, after the assessment herein provided for, or any part not less than one-fourth thereof shall have been collected, to take stock in such railroad company in the name of the proper county or township, as the case may be, and pay therefor when the same is taken out of the moneys so collected as aforesaid: *Provided, however*, That no stock shall be subscribed for, or taken, or paid for, by such Board of Commissioners until it shall be shown to their satisfaction that work has been done in the construction of such railroad and paid for by said company to an amount

equal to one-half the entire cost of preparing said railroad ready for the iron in or through the county or township voting such tax, and that an amount of such work has been done and paid for by said company in the county or township for which such stock is taken, equal to the amount of such stock so then taken. But in no case shall an amount of stock exceeding one-fourth of the entire appropriation so voted be subscribed for, or taken, or paid for until the iron is laid on said railroad, and trains of cars passing over the entire length thereof through such township or county; after which the said Board shall take and pay for stock in such company, from time to time, as fast as the said assessment shall be collected, until the same is exhausted; but all stock so taken shall be paid for at the time, out of such collections.

SEC. 6. *Be it further enacted*, That section 18, of said act, be and the same is hereby amended to read as follows, viz: "A failure on the part of such railroad company to commence work on said railroad, in the county or township so voting, within one year from the time the first levy is made, or a failure on the part of such company to have said railroad completed, so that trains of cars can pass over the same through such county or township, within three years from the time when such first levy is made, shall forfeit all claim of such company to any portion of such appropriation, and, in such case, the Board of Commissioners of such county is hereby authorized, and it is made their duty, at any regular term thereafter, to release, annul and set aside such special tax levy, and they shall also refuse to take, subscribe or pay for any stock in such company thereafter, which failure may be shown to such Board by any tax payer of such county or township so taxed: *Provided, however*, that nothing herein contained shall be held or construed to effect any stock heretofore taken, or any donation or subscription heretofore made by the Board of Commissioners of any such county, under the provisions of the several sections of said act hereby amended, and hereinafter repealed, but the same shall remain in full force and virtue as if this amendment had not been made.

SEC. 7. *Be it further enacted*, That section 15 and 16 of said act be and the same are hereby repealed.

SEC. 8. Whereas, in many counties of this State, large assessments have been made under the provisions of said act, which now stand on the tax duplicate for collection, in cases where the railroad to be aided has been located elsewhere, or not located at all, and in

other cases where the building of such railroad has been abandoned or delayed, so as to render its completion within the time limited by said act doubtful; and, whereas, there is now no law to relieve the Treasurers of such counties from collecting such tax, interest and penalties by levy and sale of property, as other taxes are collected, therefore an emergency is declared to exist, and this act shall be in force from and after its passage.

And when so amended, the committee recommend that the bill do pass.

Which report was concurred in.

#### INTRODUCTION OF BILLS.

Mr. Dwiggins introduced

Senate Bill No. 146. An act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State, and declaring an emergency.

Which was read a first time.

Mr. Brown introduced

Senate Bill No. 147. An act exempting certain personal property from sale on execution.

Which was read a first time.

Mr. Dittmore introduced

Senate Bill No. 148. An act to provide for the relocation of county seats, and repealing all laws contravening the provisions of this act, and declaring an emergency.

Was read a first time.

Mr. Hall, from the committee on enrolled bills, made the following report:



MR. PRESIDENT :

The committee on enrolled bills would respectfully report that they have this day presented to the Governor, for his signature, Enrolled Act of the Senate No. 141, entitled "An act in relation to the funded debt of the State of Indiana, therein mentioned."

Mr. Wadge introduced

Senate Bill No. 149. An act providing for the reorganization and government of the State prisons, for the appointment of a board of commissioners to have charge of the same, and oversight of the county jails, and other prisons of the State, and for repealing all conflicting laws.

Was read a first time.

Mr. Armstrong introduced

Senate Bill No. 150. A bill to legalize taxes heretofore levied for the purpose of tuition, by the school trustees of any of the incorporated cities of this State, and to authorize the collection of the same, and declaring an emergency.

Was read a first time.

Mr. Oliver introduced

Senate Bill No. 151. A bill to amend the first section of an act entitled as follows: An act to amend the first section of an act entitled "An act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical, and building purposes, approved May 20, 1852, so as to provide for the incorporation of companies, to furnish motive power, to carry on such business, or to supply any city or building with water, approved March 11, 1861, so as to authorize and provide for the incorporation of union stock yards and transit companies, and also to authorize and provide for the incorporation of grain elevator companies, and legalizing the incorporation of grain companies

already formed, or attempted to be formed, and to which this is an amendment," and declaring an emergency.

Was read a first time.

On motion by Mr. Hall,

The Senate took a recess until 2 o'clock P. M.

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AFTERNOON SESSION, 2 O'CLOCK.

The Senate reassembled.

Mr. Orr introduced

Senate Bill No. 152. An act amending section 26 of "An act regulating descents, and the apportionment of estates, and declaring an emergency."

Was read a first time.

Mr. Scott introduced

Senate Bill No. 153. An act to amend an act entitled "An act to create a State Normal School, etc," approved December 20, 1865, and adding supplementary section thereto, and providing for certain appropriations.

Was read a first time.

Mr. Hall introduced

Senate Bill No. 154. An act to amend the seventh section of an act entitled "An act regulating the granting of divorces."

Was read a first time.

Mr. Bowman introduced

Senate Bill No. 155. A bill to provide for the reimbursement to certain counties therein named, of certain taxes illegally assessed and collected for the year 1869, and paid into the State Treasury, and declaring an emergency.

Was read a first time.

Mr. Hubbard introduced

Senate Bill No. 156. An act authorizing cities constructing water works to issue bonds, and to dispose of the same in aid of the construction of such water works.

Was read a first time.

Mr. Rhodes introduced

Senate Bill No. 157. An act to authorize the purchase of stationery for the use of the county officers of this State, and the Circuit, Common Pleas, Supreme, and Criminal Courts, providing penalties for its violation, repealing all laws in conflict with this act, and declaring an emergency.

Was read a first time.

Mr. Dwiggins moved to reconsider the vote on the adoption of the resolution requiring the Senate to proceed, each day, with the regular order of business.

Mr. Williams moved to lay the motion on the table.

Messrs. Carnahan and Williams demanded the ayes and noes.

*Those who voted in the affirmative, were Messrs.*

Armstrong,	Dittemore,	Ringo,
Beggs,	Francisco,	Sarnighausen,
Bird,	Glessner,	Smith,
Bowman,	Gregg,	Stroud,
Cave,	Hall,	Williams—17.
Carnahan,	Harney,	

*Those who voted in the negative were, Messrs.*

Beeson,	Gooding,	Orr,
Brown,	Haworth,	Rhodes,
Bunyan,	Hough,	Scott,
Chapman,	Howard,	Sleeth,
Collett,	Hubbard,	Taylor,
Daggy,	Miller,	Thompson,
Dwiggins,	Neff,	Wadge,
Friedley, of Scott,	Oliver,	Mr. President—24.

So the motion to lay on the table was not agreed to:

The question recurring on the motion of Mr. Dwiggins,

It was agreed to.

The question recurring on the adoption of the resolution,

Mr. Dwiggins moved that the resolution do lie on the table.

Which was agreed to.

Mr. Miller moved to suspend the order of business and take up House Bill No. 49.

Which was agreed to.

House Bill No. 49. A bill creating the Twenty-second Judicial Circuit of the State, and fixing the time of holding circuit courts therein, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass,

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Collett,	Haworth,
Beeson,	Daggy,	Hough,
Beggs,	Dwiggins,	Howard,
Bowman,	Francisco,	Hubbard,
Brown,	Friedley, of Scott,	Miller,
Bunyan,	Glessner,	Neff,
Cave,	Gooding,	Oliver,
Chapman,	Hall,	Orr,

Rhodes,	Sleeth,	Thompson,
Ringo,	Smith,	Wadge,
Sarnighausen,	Stroud,	Mr. President—35.
Scott,	Taylor,	

*Those who voted in the negative were, Messrs.*

Bird,	Dittemore,	Harney,
Carnahan,	Gregg,	Williams—6.

So the bill passed.

The question being, shall the title as read stand as the title of the bill, Mr. Miller moved to amend by adding the words "and declaring an emergency."

Which was agreed to.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of the bill.

Mr. Gooding moved to suspend the order of business and take up Senate Bill No. 135.

Which was agreed to.

Senate Bill No. 135. A bill to constitute the Thirtieth Judicial Circuit, and fixing the time of holding courts therein, providing for the return of process, declaring a vacancy in the office of judge, and declaring an emergency.

Was read a second time.

Mr. Gooding moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill read a third time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were Messrs.*

Beeson,	Gooding,	Rhodes,
Brown,	Gregg,	Ringo,
Bunyan,	Haworth,	Scott,
Carnahan,	Hough,	Sleeth,
Collett,	Howard,	Smith,
Daggy,	Hubbard,	Taylor,
Dittemore,	Miller,	Thompson,
Dwiggins,	Neff,	Wadge,
Friedley,	Oliver,	Mr. President—29.
Glessner,	Orr,	

*Those who voted in the negative were, Messrs.*

Armstrong,	Cave,	Sarnighausen,
Bird,	Francisco,	Stroud,
Bowman,	Hall,	Williams—11.
Carnahan,	Harney,	

So the rule was not suspended.

On motion by Mr. Carnahan,

The bill was referred to the committee on the judiciary.

Mr. Ringo asked and obtained leave of absence until Monday next at 2 o'clock P. M.

Mr. Dwiggins moved to suspend the order of business and take up House Bill No. 32.

Which was agreed to.

Engrossed House Bill No. 32. An act to provide for the time of holding the court of common pleas in the Sixteenth Judicial District of the State, and to repeal all laws in conflict therewith, and declaring an emergency.

Was read a second time.

Mr. Dwiggins moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill read a third time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Dwiggins,	Oliver,
Beeson,	Francisco,	Orr,
Beggs,	Friedley,	Ringo,
Bird,	Glessner,	Sarnighausen,
Bowman,	Gooding,	Scott,
Brown,	Harney,	Smith,
Bunyan,	Haworth,	Taylor,
Cave,	Hough,	Thompson,
Chapman,	Howard,	Wadge,
Collett,	Hubbard,	Williams,
Daggy,	Miller,	Mr. President—35.
Dittemore,	Neff,	

*Those who voted in the negative were, Messrs.*

Carnahan,	Hall,	Stroud—4.
Gregg,		

So the rule was suspended.

Engrossed House Bill No. 32.

An act to provide for the time of holding the Court of Common Pleas in the 16th Judicial District of the State, and to repeal all laws in conflict therewith, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative, were, Messrs.*

Armstrong,	Cave,	Haworth,
Beeson,	Chapman,	Hough,
Beggs,	Daggy,	Howard,
Bird,	Dwiggins,	Hubbard,
Bowman,	Francisco,	Miller,
Brown,	Glessner,	Neff,
Bunyan,	Gregg,	Oliver,
Collett,	Hall,	Orr,
Carnahan,	Harney,	Rhodes,

Ringo,  
Sarnighausen,  
Scott,  
Smith,

Stroud,  
Taylor,  
Thompson,

Wadge,  
Williams,  
Mr. President—37.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of the bill.

Mr. Brown moved to suspend the order of business and take up Senate Bill No. 145.

Which was agreed to.

Senate Bill No. 145. An act in relation to the organization of the two Houses of the General Assembly, prescribing the number of officers and employes of each House, and regulating their duties

Was read a second time by title, and referred to the committee on expenditures.

Mr. Hall, from the joint committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills direct me to report that they have carefully compared Enrolled House Act No. 37, with the engrossed bill, entitled "An act authorizing a warrant to be issued for \$8,000 to the Bloomington University, and find the same to be correctly enrolled.

Mr. Bowman moved to suspend the order of business and take up Senate Bill No. 118.

Which was agreed to.

Senate Bill No. 118. Entitled a bill to repeal all laws now in



force establishing the times of holding Circuit Courts in the Second Judicial Circuit; to fix the times of holding said courts, requiring all persons to take notice thereof; for the return of process, and declaring when this act shall take effect.

Was read a second time.

Mr. Brown moved the bill be referred to a select committee of three, with Mr. Friedley, of Lawrence, as chairman.

Which was agreed to.

Whereupon, Mr. Dwiggin, being in the chair, appointed Messrs. Friedley, of Lawrence, Bowman and Brown as such committee.

Mr. Harney moved to suspend the order of business, and take up Senate Bill No. 122.

Which was agreed to.

Senate bill No. 122. A bill to legalize, in certain cases and under certain conditions, appropriations made by boards of county commissioners to aid in building railroads previous to the 12th of May, 1869, and where the appropriations were made without the authority of law, and declaring an emergency.

Was read a second time by title, and referred to the committee on corporations.

Mr. Cave moved to suspend the order of business, and take up Senate Bill No. 24.

Which was agreed to.

Senate Bill No. 24. A bill to amend section 30 of an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved December 20, 1865.

Was read a second time, with amendments, as reported by the committee.

The question being on the adoption of the amendments, as reported by the committee.

It was agreed to.

The bill was ordered to be engrossed for a third reading.

Mr. Williams moved to suspend the order of business, and take up House Bill No. 119.

Which was agreed to.

Engrossed House Bill No. 119. A bill in relation to organizing the two Houses of the General Assembly, and defining certain duties of certain officers in relation thereto, and declaring an emergency.

Was read a second time.

Mr. Williams moved the constitutional rule requiring bills to be read on three several days be suspended, and the bill read a third time now.

The ayes and noes being taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Friedley, of Scott,	Neff,
Beggs,	Glessner,	Oliver,
Bird,	Gooding,	Orr,
Bowman,	Gregg,	Ringo,
Brown,	Hall,	Sarnighausen,
Bunyan,	Harney,	Scott,
Carnahan,	Haworth,	Smith,
Cave,	Hough,	Stroud,
Chapman,	Howard,	Thompson,
Collett,	Hubbard,	Williams,
Daggy,	Miller,	Mr. President—34
Dwiggins,		

Mr. Rhodes voting in the negative.

So the rule was suspended.

Engrossed House Bill No. 119. A bill in relation to organizing the two Houses of the General Assembly, and defining certain duties of certain officers in relation thereto, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Friedley, of Scott,	Neff,
Beggs,	Glessner,	Oliver,
Bird,	Gooding,	Orr,
Bowman,	Gregg,	Rhodes,
Brown,	Hall,	Ringo,
Bunyan,	Harney,	Sarnighausen,
Carnahan,	Haworth,	Scott,
Cave,	Hough,	Stroud,
Daugherty,	Howard,	Taylor,
Dwiggins,	Hubbard,	Thompson,
Francisco,	Miller,	Williams—33.

No Senator voting in the negative.

No quorum voting.

Mr. Carnahan demanded a call of the Senate.

*Those who answered to their names were, Messrs.*

Armstrong,	Dwiggins,	Oliver,
Beeson,	Francisco,	Orr,
Beggs,	Friedley, of Scott,	Rhodes,
Bird,	Glessner,	Ringo,
Bowman,	Gregg,	Sarnighausen,
Brown,	Hall,	Scott,
Bunyan,	Harney,	Sleeth,
Carnahan,	Haworth,	Stroud,
Cave,	Hough,	Taylor,
Chapman,	Howard,	Thompson,
Collett,	Hubbard,	Wadge,
Daggy,	Miller,	Williams—38.
Dittemore,	Neff,	

Mr. Carnahan moved that further proceeding, under the call, be dispensed with.

Which was agreed to.

The question recurring on the passage of the House Bill No. 119,

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Francisco,	Orr,
Beeson,	Friedley,	Rhodes,
Beggs,	Glessner.	Ringo,
Bird,	Gregg,	Sarnighausen,
Bowman,	Hall,	Scott,
Brown,	Harney,	Sleeth,
Collett,	Haworth,	Stroud,
Carnahan,	Hough,	Taylor,
Cave,	Howard,	Thompson,
Chapman,	Hubbard,	Wadge,
Daggy,	Miller,	Williams—38.
Dittemore,	Neff,	
Dwiggins,	Oliver,	

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of the bill.

Message from the House, by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled act of the House of Representatives, to wit:

Enrolled Act of the House of Representatives, No. 37. An act authorizing an appropriation of money out of the State Treasury

for the use of Indiana University, located at Bloomington, Monroe county, etc., and the same is herewith transmitted to the Senate for the signature of the President thereof.

By unanimous consent, Mr. Taylor, from the committee on expenditures, made the following report:

MR. PRESIDENT:

The committee to whom was referred Senate Bill No. 145 entitled "An act in relation to the organization of the two Houses of the General Assembly, prescribing the number of officers and employes of each House, and regulating their duties," have had the same under consideration and would recommended that it be amended as follows:

Section 12. It shall be the duty of the presiding officers of each House of the General Assembly, at or immediately before the final adjournment of each session thereof, to make a detailed report to the House, over which he presides, of the warrants drawn by him, during the session, in favor of members, officers and employes of such House, showing the number of warrants drawn, the amount of each warrant, and to whom payable, and also, the aggregate amount of all the warrants drawn in favor of each person, and the aggregate amount of all warrants drawn in favor of all persons, which report shall be spread upon the Journal of the House to which it is made.

Section 13. It shall be the duty of the Principal Secretary of the Senate, as soon after the organization of any session of said Senate, as possible, to prepare and place in a conspicuous place in the Senate Chamber, an accurate and complete list of all the officers (except the President thereof), and employes connected with the Senate, and naming the position which each employe occupies. Said list to be kept corrected from time to time, as any changes in, or additions to said list may occur.

It shall be the duty of the principal clerk of the House as soon after the organization of said House as possible, to prepare and place in a conspicuous place within the Hall of the House, an accurate and complete list of the names of all the officers and employes (except the Speaker of the House) connected with the House, naming the position which each employe occupies, said list to be kept corrected

from time to time, as any change in, or addition to said list may occur.

Section 14. The employes of the Principal and Assistant Secretaries of the Senate, the employes of the Principal and Assistant Clerks of the House, the employes of the Doorkeepers of the Senate and House, and the clerks of committees, when not employed in the discharge of some specified duty, shall perform any other duty required of them or either of them by their employers, respectively, which may come in the line of duty of such employer.

And when so amended, the committee recommend that the bill do pass.

The question being, on the adoption of the amendments as reported by the committee,

It was agreed to.

Mr. Brown offered the following:

Amend by adding the following:

SEC. 15. The compensation for employes of the two Houses of the General Assembly shall not exceed five dollars per day each for the time employed.

Which was adopted.

On motion by Mr. Brown the bill was considered as engrossed.

Mr. Hall moved to suspend the order of business and take up Senate Bill No. 130.

Which was agreed to.

Senate Bill No. 130.

A bill to establish a sanitarium.

Was read a second time by title and referred to the committee on the rights and privileges of the inhabitants of the State.

Mr. Brown moved the Constitutional rule requiring bills to be read on three several days, be suspended, and Senate Bill No. 145, be read a third time now.

The ayes and noes being taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Francisco,	Oliver,
Beeson,	Friedley,	Orr,
Beggs,	Glessner,	Rhodes,
Bird,	Gooding,	Ringo,
Bowman,	Gregg,	Sarnighausen,
Brown,	Hall,	Scott,
Bunyan,	Harney,	Sleeth,
Carnahan,	Haworth,	Stroud,
Chapman,	Hough,	Taylor,
Collett,	Howard,	Thompson,
Daggy,	Hubbard,	Wadge,
Dittemore,	Miller,	Williams,
Dwiggins,	Neff,	Mr. President—39.

No Senator voting in the negative.

So the rule was suspended and Senate Bill No. 145, was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Francisco,	Oliver,
Beeson,	Friedley,	Orr,
Beggs,	Glessner,	Rhodes,
Bird,	Gooding,	Ringo,
Bowman,	Gregg,	Sarnighausen,
Brown,	Hall,	Scott,
Bunyan,	Harney,	Sleeth,
Carnahan,	Haworth,	Stroud,
Cave,	Hough,	Taylor,
Chapman,	Howard,	Thompson,
Collett,	Hubbard,	Wadge,
Daggy,	Miller,	Williams,
Dittemore,	Neff,	Mr. President—40.
Dwiggins,		

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of the bill.

Mr. Beggs asked and obtained leave of absence until Monday next at 2 o'clock, P. M.

Mr. Beeson moved that the constitutional rule requiring bills to be read on three several day be suspended, that Senate Bill No. 148 may be taken up and read a second time by title only.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Francisco,	Orr,
Beeson,	Friedley, of Scott.	Rhodes,
Beggs,	Glessner,	Ringo,
Bird,	Gregg,	Sarnighausen,
Bowman,	Hall,	Scott,
Brown,	Harney,	Sleeth,
Bunyan,	Haworth,	Stroud,
Carnahan,	Hough,	Taylor,
Cave,	Howard,	Thompson,
Chapman,	Hubbard,	Wadge,
Collett,	Miller,	Williams,
Dittemore,	Neff,	Mr. President—38.
Dwiggins,	Oliver,	

So the rule was suspended.

Senate Bill No. 148, entitled an act to provide for the relocation of county seats, and repealing all laws contravening the provisions of this act, and declaring an emergency.

Was read a second time by title, and referred to the committee on the judiciary.

Mr. Taylor moved that the order of business be suspended, that Senate Bill No. 45 may be taken up.

Which motion was agreed to.



Senate Bill No. 45. Entitled a bill to provide for the permanent enclosure of the Tippecanoe Battle Ground, and declaring an emergency.

Was read a second time.

Mr. Daggy moved that the Senate do now adjourn.

Which was not agreed to.

Mr. Sleeth moved to amend Senate Bill No. 45, by striking out the words "twenty-five thousand dollars" and inserting in lieu thereof "twenty-four thousand one hundred."

Which amendment was agreed to.

Mr. Taylor moved to make the bill the special order for 10:30 A. M. to-morrow.

Which motion was agreed to.

Mr. Gooding, from a select committee made the following report:

MR. PRESIDENT:

The select committee to whom was referred Senate Bill No. 54, entitled "An act to divide the State of Indiana into Congressional Districts", have had the same under consideration, and instruct me to report the same back to the Senate and recommend that it be amended as follows:

Strike out the words "and Pike" in section three (3) and insert the word "and" before the word "Gibson". That the words "and Pike" be inserted after the word "Dubois", and strike out the word "and" before the word "Dubois" in section 4. That the word "and" before the word "Tippecanoe" be struck out, and insert the words "and Benton" after the word "Tippecanoe" in section 11.

When so amended, the majority of the committee recommend the passage of the bill.

Which report was concurred in.

Mr. Smith moved that the Senate do now adjourn.

Which was not agreed to.

Mr. Gooding moved to suspend the order of business and take up Senate Bill No. 54.

Which motion was agreed to.

Senate Bill No. 54. Entitled "A bill to divide the State of Indiana into Congressional Districts."

Was read a second time with amendments reported by the committee.

On motion,

The amendments were adopted.

The President announced that he had signed Enrolled Act of the House of Representatives No. 37.

Also that he had appointed on the select committee to inquire into the condition of the office of Secretary of State, in compliance with a resolution adopted on yesterday, Messrs. Gooding, Sleeth and Armstrong.

Messrs. Francisco and Hall asked and obtained leave of absence until Monday next.

On motion by Mr. Carnahan,

The Senate adjourned.

## SATURDAY MORNING.

DECEMBER 14, 1872.

The Senate met.

On motion by Mr. Haworth,

The reading of the journal was dispensed with.

## PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Sarnighausen presented a memorial from twelve hundred citizens and tax payers of Allen county, remonstrating against the passage of the bill authorizing counties to make appropriations to keep the canal, etc., in repair.

Which was referred to the committee on the judiciary.

Mr. Glessner moved that two hundred copies of Senate Bill No. 54 be printed.

Mr. Brown moved to lay the motion on the table.

Messrs. Glessner and Gregg demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Gooding,	Rhodes,
Beeson,	Haworth,	Scott,
Brown,	Hough,	Sleeth,
Bunyan,	Howard,	Taylor,
Chapman,	Hubbard,	Thompson,
Collett,	Miller,	Wadge,
Daggy,	Neff,	Mr. President—23.
Friedley,	Oliver,	

*Those who voted in the negative were, Messrs.*

Armstrong,	Dittemore,	Sarnighausen,
Bird,	Dwiggins,	Smith,
Bowman,	Glessner,	Stroud,
Carnahan,	Gregg,	Williams—14.
Cave,	Harney,	

So the motion was agreed to.

Message from the House, by Mr. Nixon, Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendment of the Senate to the title of House Bill No. 49.

I am also directed to inform the Senate that the House has passed the following engrossed bill thereof, to-wit:

Engrossed Senate Bill No. 5. A bill to require railroad companies to issue stock paid for by taxes voted in aid of the construction of their railroads, to the tax payers or their assigns, and to issue unclaimed stock for the benefit of the common school fund, and declaring an emergency.

To which the House has attached the accompanying engrossed amendment.

Amend by adding to the third section of said bill, the following words:

*“ Provided, That the stock so issued under the provisions of this act, being involuntary in its character, no personal liability shall attach to the original holder thereof, for any debt contracted by the railroad company.”*

Engrossed House Bill No. 163. A bill to provide for a uniform assessment of property, and for the collection and return of taxes thereon.

I am further directed to inform the Senate that the House has passed the following engrossed bill thereof:

Engrossed House Bill No. 2. A bill to fix the time of holding the courts in the Third Judicial Circuit, the duration of the terms thereof, and declaring when this act shall take effect, and repealing all laws inconsistent therewith.

I am also directed to inform the Senate that the House has passed the following engrossed Senate Bill, to-wit :

Engrossed Senate Bill No. 68. A Bill to amend the 2d section of an act entitled "An act creating the Twenty-third Common Pleas District, and making provisions therefor, and repealing all conflicting laws," approved March 11, 1867, providing for the return of process, and declaring an emergency.

Engrossed House Bill No. 172. A bill to fix the time of holding the terms of the Common Pleas Court in the the several counties composing the Sixth Judicial District, the duration of such terms, and repealing all laws in conflict therewith.

And the same are respectfully transmitted to the Senate.

Mr. Taylor moved to take up the message from the House reporting Senate Bill No. 5.

Which motion was agreed to.

Mr. Taylor moved to concur in the amendment of the House.

Which motion was agreed to.

*Ordered*, That the Secretary inform the House thereof:

Mr. Daugherty was granted leave of absence on account of illness.

Mr. Thompson moved to take up Senate Bill No. 48 and refer it to the committee on reformatory institutions.

Which motion was agreed to.

Mr. Williams moved to take up message from the House reporting House Bill No. 2.

Which motion was agreed to.

Engrossed House Bill No. 2. A bill to fix the time of holding the courts in the Third judicial circuit, the duration of the terms

thereof, and declaring when this act shall take effect, and repealing all laws inconsistent therewith.

Was read a first time.

Mr. Brown moved to take up engrossed House Bill No. 163.

Which motion was agreed to.

Mr. Brown moved the constitutional rule requiring that bills be read on three several days be suspended, and the bill be read a first and second time by title.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Dwiggins,	Sarnighausen,
Beardsley,	Friedley,	Scott,
Beeson,	Gooding,	Slater,
Bird,	Harney,	Sleeth,
Bowman,	Haworth,	Smith,
Brown,	Hough,	Stroud,
Bunyan,	Howard,	Taylor,
Carnahan,	Hubbard,	Thompson,
Cave,	Miller,	Wadge,
Chapman,	Neff,	Williams,
Collett,	Oliver,	Mr. President—35.
Daggy,	Rhodes,	

No Senator voting in the negative.

So the rule was suspended.

Engrossed House Bill No. 163. A bill to provide for a uniform assessment of property, and for the collection and return of taxes thereon.

Was read a first and second time by title, and referred to the committee on finance.

The President laid before the Senate certain maps furnished by the Auditor of State.

Message from the Governor, by Mr. Commons, his Private Secretary :

MR. PRESIDENT:

I am directed by the Governor to respectfully inform the Senate that Senate Joint Resolution No. 2, entitled "A joint resolution in relation to the two per cent. claims of Ohio, Indiana and Illinois, now pending before Congress," has been deposited in the office of the Secretary of State, and a certified copy thereof transmitted to each of our Senators and Representatives in Congress.

I am also directed by the Governor to respectfully inform the Senate that he has approved and signed Enrolled Act of the Senate No. 141, entitled "An act in relation to the funded debt of the State of Indiana therein mentioned," and that the same has been deposited in the office of the Secretary of State.

I am also directed by the Governor to respectfully inform the Senate that he has approved and signed Enrolled Act of the Senate No. 85, entitled "An act to provide for the payment of sundry bonds or stocks of the State of Indiana, issued prior to the year 1841, and declaring an emergency," and that the same has been deposited in the office of the Secretary of State.

#### SPECIAL ORDER.

The hour having arrived for the consideration of the special order, Senate Bill No. 45, the same was taken up.

Mr. Dittmore moved to reconsider the vote adopting the amendment proposed by Mr. Sleeth.

Mr. Dwiggins moved to lay the motion to reconsider on the table.

Which was agreed to.

Mr. Brown moved that the bill be considered as engrossed and read a third time.

Which was agreed to.

Senate Bill No. 45. A bill to provide for the permanent enclosure of the Tippecanoe Battle Ground.

Was read a third time.

The question being, shall the bill pass ?

Mr. Taylor, by unanimous consent, moved to strike out section No. 6 of the bill.

Which was agreed to.

The question being on the passage of the bill,

Mr. Scott demanded the previous question,

Which was seconded by the Senate.

The question being, shall the main question be now put ?

It was so ordered.

The question being, shall the bill pass ?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Dwiggins,	Oliver,
Beardsley,	Friedley,	Rhodes,
Beeson,	Glessner,	Sarnighausen,
Bird,	Gooding,	Scott,
Bowman,	Gregg,	Sleeth,
Brown,	Harney,	Smith,
Bunyan,	Haworth,	Stroud,
Carnahan,	Hough,	Taylor,
Cave,	Howard,	Thompson,
Chapman,	Hubbard,	Wadge,
Collett,	Miller,	Williams,
Daggy,	Neff,	Mr. President—38.
Dittemore,	O'Brien,	

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill ?

Mr. Brown moved to amend the title by striking out "a bill" and inserting "an act."

Which was agreed to.



The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of the bill.

Message from the House, by Mr. Nixon, clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives, to inform the Senate, that he has signed the following enrolled act of the House of Representatives, to wit.:

Enrolled Act No. 49, House of Representatives. An act creating the Twenty-second Judicial Circuit of Indiana, and fixing the time of holding Circuit Courts therein, and declaring an emergency." And the same is herewith respectfully transmitted to the Senate for the signature of the President thereof.

Mr. Hubbard, from the committee on enrolled bills, made the following report :

MR. PRESIDENT:

The committee on enrolled bills, to whom was referred Senate Bill No. 1, an act to repeal an act, entitled "An act to authorize and encourage the construction of levees, dykes, drains, etc., also to repeal an act supplemental thereto, approved, February 23, 1871." Have examined the same and find that it is correctly enrolled.

By unanimous consent,

Mr. Dwiggins introduced

Senate Bill No. 159. "An act to provide for the submission to the qualified voters of this State, for their ratification or rejection, a proposed amendment to the Constitution of Indiana, therein mentioned, and declaring an emergency.

Was read a first time.

Mr. Dwiggins moved the Constitutional rule requiring bills to be read on three several days, be suspended, and the bill read a second time by title, and a third time by sections.

The ayes and noes being taken under this rule,

*Those who voted in the affirmative were Messrs.*

Armstrong,	Friedley,	Rhodes,
Beardsley,	Glessner,	Sarnighausen,
Beeson,	Gooding,	Scott,
Brown,	Gregg,	Slater,
Bunyan,	Haworth,	Smith,
Carnahan,	Hough,	Stroud,
Cave,	Howard,	Taylor,
Chapman,	Hubbard,	Thompson,
Collett,	Miller,	Wadge,
Daggy,	Neff,	Williams,
Dittemore,	O'Brien,	Mr. President—35.
Dwiggins,	Oliver,	.

Messrs. Bird and Harney, voting in the negative.

So the rule was suspended, and the bill read a second time by title.

Mr. Dwiggins moved to fill the blank in the second section of the bill with, "twenty eighth of January," and "three."

Which was agreed to.

The bill was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Bunyan,	Dittemore,
Beardsley,	Carnahan,	Dwiggins,
Beeson,	Cave,	Friedley, of Scott,
Bird,	Chapman,	Glessner,
Bowman,	Collett,	Gooding,
Brown,	Daggy,	Gregg,

Haworth,	Oliver,	Stroud,
Hough,	Rhodes,	Taylor,
Howard,	Sarnighausen,	Thompson,
Hubbard,	Scott,	Wadge,
Miller,	Sleeth,	Williams,
Neff,	Smith,	Mr. President—37.
O'Brien,		

Mr. Harney voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the bill.

Message from the House, by Mr. Nixon, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following Engrossed House Bill, to wit :

House Bill No. 235. A bill supplemental to an act to authorize aid in the construction of railroads by counties and townships taking stock in and making donation to railroad companies," approved May 12, 1869.

I am also directed to inform the Senate that the Speaker has signed the following enrolled act of the Senate, to-wit :

Enrolled Senate Act No. 1. An act to repeal an act entitled "An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands, by incorporated companies, and to repeal all former laws relating to the same subject," which act took effect without executive approval on the 22d day of May, 1869. Also an act to repeal an act entitled "An act supplemental to an act entitled 'an act to authorize and encourage the construction of levees, dykes and drains, and the

reclamation of wet and overflowed lands, by incorporated companies, and to repeal all former laws relating to the same subject," which act took effect May 22, 1869, and prescribing penalties for the violation of the provisions thereof, which last named act was approved on the 23d day of February, 1871, and declaring an emergency.

Mr. Dwiggins moved to suspend the order of business and take up Senate Bill No. 146.

Which was agreed to.

Mr. Dwiggins moved that the bill be ordered engrossed.

Mr. Williams moved that the bill be referred to a select committee of one from each congressional district.

Mr. Friedley, of Lawrence, (Mr. Dittmore in the chair,) moved to lay the motion on the table.

Messrs. Williams and Gregg demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Gooding,	Oliver,
Beeson,	Haworth,	Rhodes,
Brown,	Hough,	Sleeth,
Bunyan,	Howard,	Taylor,
Chapman,	Hubbard,	Thompson,
Collett,	Miller,	Wadge,
Dwiggins,	Neff,	Mr. President—23.
Friedley,	O'Brien,	

*Those who voted in the negative were, Messrs.*

Armstrong,	Daggy,	Sarnighausen,
Bird,	Dittmore,	Smith,
Bowman,	Glessner,	Stroud,
Carnahan,	Gregg,	Williams—14.
Cave,	Harney,	

So the motion was agreed to.

The question being on ordering the bill to be engrossed,

Mr. Sleeth demanded the previous question.

The question being on seconding the demand for the previous question,

Messrs. Glessner and Gregg demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Glessner,	Oliver,
Beeson,	Gooding,	Rhodes,
Brown,	Haworth,	Sleeth,
Bunyan,	Hough,	Taylor,
Chapman,	Howard,	Thompson,
Collett,	Hubbard,	Wadge,
Dwiggins,	Miller,	Mr. President—23.
Friedley,	Neff,	

*Those who voted in the negative were, Messrs.*

Armstrong,	Daggy,	Sarnighausen,
Bird,	Dittemore,	Smith,
Bowman,	Gregg,	Stroud,
Carnahan,	Harney,	Williams—14.
Cave,	O'Brien,	

So the previous question was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question recurring on the engrossment of the bill,

Messrs. Cave and Brown demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Gooding,	Oliver,
Beeson,	Haworth,	Rhodes,
Brown,	Hough,	Sleeth,
Bunyan,	Howard,	Taylor,
Champman,	Hubbard,	Thompson,
Collett,	Miller,	Wadge,
Dwiggins,	Neff,	Mr. President—22.
Friedley,		

*Those who voted in the negative, were Messrs.*

Armstrong,	Daggy,	O'Brien,
Bird,	Dittemore,	Sarnighausen
Bowman,	Glessner,	Smith,
Carnahan,	Gregg,	Stroud,
Cave,	Harney,	Williams—15.

So the bill was ordered to be engrossed.

Mr. Glessner moved that when the Senate adjourn it be until Monday 2 o'clock P. M.

The ayes and noes were demanded by five Senators.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Dittemore,	Rhodes,
Bird,	Glessner,	Sarnighausen,
Carnahan,	Gregg,	Smith,
Cave,	Harney,	Stroud,
Daggy,	O'Brien,	Williams—15.

*Those who voted in the negative were, Messrs.*

Beardsley,	Dwiggins,	Neff,
Beeson,	Friedley,	Oliver,
Bowman,	Gooding,	Sleeth,
Brown,	Haworth,	Taylor,
Bunyan,	Hough,	Thompson,
Chapman,	Harney,	Wadge,
Collett,	Hubbard,	Mr. President—21.

So the motion did not prevail.

Mr. Friedley, of Lawrence, (Mr. Dittemore in the Chair) moved the Senate take a recess until 2 o'clock P. M.

Which was agreed to.

## AFTERNOON SESSION.

The Senate reassembled at 2 o'clock, P. M.

Mr. Dittemore demanded a call of the Senate.

*The following Senators answered to their names : Messrs.*

Beardsley,	Dittemore,	Scott,
Beeson,	Friedley, of Scott,	Sleeth,
Bird,	Gooding,	Taylor,
Bunyan,	Haworth,	Thompson,
Chapman,	Hough,	Wadge,
Collett,	Hubbard,	Mr. President—20.
Daggy,	Neff,	

Mr. Gooding moved that the absentees be sent for.

Mr. Dittemore moved that the Senate do now adjourn until 2 o'clock P. M. on Monday.

Which was not agreed to.

The question being on the motion of Mr. Gooding.

It was agreed to.

Mr. Dittemore moved to adjourn.

Which was not agreed to.

Mr. Brown moved to dispense with the further call of the Senate.

Which was agreed to.

Mr. Dittemore demanded a call of the Senate.

*Those who answered to their names were, Messrs.*

Beardsley.	Cave,	Glessner,
Beeson,	Chapman,	Gooding,
Bird,	Collett,	Gregg,
Bowman,	Daggy,	Harney,
Brown,	Dittemore,	Haworth,
Bunyan,	Dwiggins,	Hough,
Carnahan,	Friedley, of Scott,	Howard,

Hubbard,	Sleeth,	Thompson,
Miller,	Smith,	Wadge,
Neff,	Stroud,	Williams,
O'Brien,	Taylor,	Mr. President—34.
Scott,		

A quorum appearing further proceedings under the call was dispensed with.

Mr. Sleeth moved to suspend the order of business and take up Senate Bill No. 59.

Messrs Harney and Dittmore demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Friedley, of Scott,	O'Brien,
Beeson,	Gooding,	Scott,
Brown,	Haworth,	Sleeth,
Bunyan,	Hough,	Taylor,
Chapman,	Howard,	Thompson,
Collett,	Hubbard,	Wadge,
Daggy,	Miller,	Mr. President—23.
Dwiggins,	Neff,	

*Those who voted in the negative were, Messrs.*

Bird,	Dittmore,	Sarnighausen,
Bowman,	Glessner,	Smith,
Carnahan,	Gregg,	Stroud,
Cave,	Harney,	Williams—12.

So the motion was agreed to.

Mr. Dittmore asked and obtained leave of absence during the day.

Engrossed Senate Bill No. 59. Entitled a bill to amend section 16 of "An act to authorize aid to the construction of railroads by counties and townships, taking stock in or making donations to railroad companies."

Was read a third time.

Mr. Carnahan moved to lay the bill on the table.



Messrs. Cave and Glessner demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Glessner,	Slater,
Bird,	Gregg,	Smith,
Bowman,	Harney,	Stroud,
Carnahan,	Sarnighausen,	Williams,—13
Cave,		

*Those who voted in the negative were Messrs.*

Beardsley,	Friedley of Scott,	O'Brien,
Beeson,	Gooding,	Oliver,
Brown,	Haworth,	Scott,
Bunyan,	Hough,	Sleeth,
Chapman,	Howard,	Taylor,
Collett,	Hubbard,	Thompson,
Daggy,	Miller,	Mr. President.—23.
Dwiggins,	Neff,	

So the motion did not prevail.

The question being, shall the bill pass?

Mr. Brown demanded the previous question.

The question being on seconding the demand for the previous question,

Messrs. Glessner and Harney demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Friedley, of Scott,	O'Brien,
Beeson,	Gooding,	Oliver,
Brown,	Haworth,	Scott,
Bunyan,	Hough,	Sleeth,
Chapman,	Howard,	Taylor,
Collett,	Hubbard,	Thompson,
Daggy,	Miller,	Mr. President—23.
Dwiggins,	Neff,	

*Those who voted in the negative were, Messrs.*

Armstrong,	Glessner,	Slater,
Bird,	Gregg,	Smith,
Bowman,	Harney,	Stroud,
Carnahan,	Sarnighausen,	Williams—13.
Cave,		

So the previous question was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Dwiggins,	O'Brien,
Beeson,	Friedley, of Scott.	Oliver,
Bird,	Gooding,	Scott,
Bowman,	Haworth,	Sleeth,
Brown,	Hough,	Taylor,
Bunyan,	Howard,	Thompson,
Chapman,	Hubbard,	Wadge,
Collett,	Miller,	Mr. President—26.
Daggy,	Neff,	

*Those who voted in the negative were, Messrs.*

Armstrong,	Harney,	Smith,
Carnahan,	Sarnighausen,	Stroud,
Cave,	Slater,	Williams—10.
Glessner,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of the bill.

Mr. Thompson moved to suspend the order of business and take up Senate Bill No. 40.

Messrs. Glessner and Gregg demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Friedley, of Scott,	Oliver,
Beeson,	Gooding,	O'Brien,
Brown,	Haworth,	Scott,
Bunyan,	Hough,	Sleeth,
Chapman,	Howard,	Taylor,
Collett,	Hubbard,	Thompson,
Daggy,	Miller,	Wadge,
Dittemore,	Neff,	Mr. President—25.
Dwiggins,		

*Those who voted in the negative were, Messrs.*

Bird,	Glessner,	Smith,
Bowman,	Harney,	Stroud,
Carnahan,	Sarnighausen,	Williams—11.
Cave,	Slater,	

So the order of business was suspended.

Senate Bill No. 40. An act to amend section second of an act entitled "An act concerning the organization of voluntary associations, and repealing former laws in regard thereto," approved February 12, 1855, and declaring an emergency to exist.

Was read a second time.

Mr. Thompson moved that the bill be considered as engrossed, and the constitutional rule requiring that bills be read on three several days be suspended, and the bill be read a third time.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Friedley,	Oliver,
Bird,	Gooding,	Scott,
Brown,	Haworth,	Sleeth,
Bunyan,	Hough,	Taylor,
Chapman,	Howard,	Thompson,
Collett,	Hubbard,	Wadge,
Daggy,	Miller,	Winterbotham,
Dittemore,	Neff,	Mr. President—25.
Dwiggins,		

*Those who voted in the negative were, Messrs.*

Armstrong,	Daugherty,	Slater,
Bowman.	Glessner,	Smith,
Carnahan,	Harney,	Stroud—11.
Cave,	Sarnighausen,	

So the rule was not suspended.

Mr. Brown moved to suspend the order of business, and take up Engrossed House Bill No. 137.

Messrs. Harney and Glessner demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Friedley, of Scott,	Oliver,
Beardsley,	Gooding,	Scott,
Bird,	Haworth,	Sleeth,
Brown,	Hough,	Taylor,
Bunyan,	Howard,	Thompson,
Chapman,	Hubbard,	Wadge,
Collett,	Miller,	Mr. President—23.
Dwiggins,	Neff,	

*Those who voted in the negative were, Messrs.*

Bowman,	Dittemore,	Slater,
Carnahan,	Glessner,	Smith,
Cave,	Harney,	Williams—11.
Daggy,	Sarnighausen,	

So the order of business was suspended.

Engrossed House Bill No. 137.

A bill to amend an act entitled "An act to revise, simplify and abridge the rules, practice and pleadings and forms in criminal actions in the courts of this State."

Was read a second time.

Mr. Brown moved the constitutional rule requiring that bills be read on three several days, be suspended and the bill read a third time now.

Mr. Glessner moved to lay the motion on the table.

Messrs. Gregg and Glessner demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Daugherty,	Slater,
Bird,	Glessner,	Smith,
Bowman,	Gregg,	Stroud,
Carnahan,	Haworth,	Mr. President.—14.
Cave,	Sarnighausen,	

*Those who voted in the negative were, Messrs.*

Beardsley,	Friedley,	Oliver,
Brown,	Gooding,	Scott,
Bunyan,	Hough,	Sleeth,
Chapman,	Howard,	Steele,
Collett,	Hubbard,	Taylor,
Dittemore,	Miller,	Wadge,
Dwiggins,	Neff,	Mr. President.—21.

So the motion to lie on the table was not agreed to.

Mr. Harney moved that the Senate do now adjourn.

The ayes and noes were demanded by one-tenth of the Senators.

*Those who voted in the affirmative were, Messrs.*

Bird,	Glessner,	Slater,
Bowman,	Harney,	Smith,
Carnahan,	Haworth,	Stroud,
Cave,	Sarnighausen,	Williams—13.
Gregg,		

*Those who voted in the negative were, Messrs.*

Armstrong,	Francisco,	Oliver,
Beardsley,	Friedley, of Scott,	Scott,
Brown,	Hough,	Slater,
Bunyan,	Howard,	Taylor,
Chapman,	Hubbard,	Thompson,
Collett,	Miller,	Wadge,
Daggy,	Neff,	Mr. President—23.
Dwiggins,	O'Brien,	

So the motion to adjourn was not agreed to.

Mr. Brown demanded the previous question.

The question being on seconding the demand for the previous question,

Messrs. Cave and Glessner demanded the ayes and noes.

*Those who voted in the affirmative were Messrs.*

Beardsley,	Gooding,	Oliver,
Brown,	Haworth,	Scott,
Bunyan,	Howard,	Sleeth,
Chapman,	Hubbard,	Taylor,
Collett,	Hubbard,	Thompson,
Daggy,	Miller,	Wadge,
Dwiggins,	Neff,	Mr. President—22.
Friedley, of Scott,	O'Brien,	

*Those who voted in the negative were, Messrs.*

Armstrong,	Dittemore,	Slater,
Bird,	Glessner,	Smith,
Bowman,	Gregg,	Stroud,
Carnahan,	Harney,	Williams—14
Cave,	Sarnighausen,	

So the previous question was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the constitutional rule be suspended?

Mr. Bowman moved that the bill be referred to the committee on the judiciary.

Which was agreed to.

Mr. Collett made the following report :

MR. PRESIDENT:

The committee on enrolled bills respectfully report that they have

presented this day, December, 12, 1872, to the Governor, for his signature, the following enrolled acts, to-wit :

Enrolled Act No. 37, House of Representatives, entitled "An act authorizing an appropriation of money out of the State Treasury for the use of Indiana University, located at Bloomington, Monroe county, in paying debts created by borrowing money for current expenses in the year 1870 and 1871.

Also, Enrolled Act No. 70, House of Representatives. An act to enable counties bordering on the State lines or rivers forming State boundaries, and townships, cities and towns therein, to aid in the construction of railroads opposite such counties in other States, to run to such counties, or to the State line or river forming the State boundary bordering such counties, or to form connections with other railroads in such counties, and prescribing the duties of the officers of such counties for that purpose, and authorizing such cities to issue bonds for such aid, and declaring an emergency.

Also, Enrolled Joint Resolution No. 2, House of Representatives. A joint resolution agreeing to and adopting an amendment proposed to the constitution by the last General Assembly, by adding to the tenth article a section in relation to the debt charged upon the Wabash and Erie Canal.

Also, Enrolled Act No. 49, House of Representatives. Enrolled act creating the Twenty-second Judicial Circuit of Indiana, and fixing the time of holding Circuit Courts therein, and declaring an emergency.

Also, Enrolled Senate Bill No. 1. A bill to repeal an act entitled "An act to authorize and encourage the construction of levees, dykes, and drains and the reclamation of wet and overflowed lands, by incorporated companies, and to repeal all former laws relating to the same subject," which took effect without Executive approval on the 22d day of May, 1869.

Also, an act to repeal an act, entitled "An act supplemental to an act entitled 'An act to authorize the construction of levees, dykes, and drains, and the reclamation of wet and overflowed lands, by incorporated companies, and to repeal all former laws relative to the same subject,' which act took effect May 22, 1869, and prescribing penalties for the violation of the provisions thereof, which last

named act was approved on the 23d day of February, 1871, and saving the rights therein mentioned."

Mr. Gooding moved to suspend the order of business, to enable him to introduce a bill.

Messrs. Dittemore and Bowman demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Armstrong,	Dwiggins,	Neff,
Beardsley,	Friedley,	O'Brien,
Brown,	Glessner,	Oliver,
Bunyan,	Gooding,	Scott,
Chapman,	Hough,	Sleeth,
Collett,	Howard,	Taylor,
Daggy,	Hubbard,	Thompson,
Dittemore,	Miller,	Mr. President.—24.

*Those who voted in the negative were, Messrs.*

Bird,	Gregg,	Slater,
Bowman,	Harney,	Stroud,
Carnahan,	Sarnighausen,	Wadge—10.
Cave,		

So the order of business was suspended.

Mr. Gooding introduced

Senate Bill No. 160. An act to amend "An act to incorporate the Lawrenceburg Insurance Company," approved February 3, 1832.

Was read a first time.

Mr. Dwiggins moved to suspend the order of business to take up Senate Bill No. 49.

Mr. Glessner moved that the motion do lie on the table.

Messrs. Glessner and Slater demanded the ayes and noes.



*Those who voted in the affirmative were, Messrs.*

Bird,	Gregg,	Stroud,
Carnahan,	Harney,	Wadge,
Cave,	Sarnighausen,	Williams—11.
Glessner,	Slater,	

*Those who voted in the negative were, Messrs.*

Armstrong,	Dwiggins,	Oliver,
Beardsley,	Friedley,	Scott,
Bowman,	Hough,	Sleeth,
Brown,	Howard,	Smith,
Chapman,	Hubbard,	Taylor,
Collett,	Miller,	Thompson,
Daggy,	Neff,	Mr. President—23.
Dittemore,	O'Brien,	

So the motion was not agreed to.

The question recurring on the suspension of the order of business

Messrs. Gregg and Glessner demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Gooding,	O'Brien,
Brown,	Haworth,	Oliver,
Chapman,	Hough,	Scott,
Collett,	Howard,	Sleeth,
Dittemore,	Hubbard,	Taylor,
Dwiggins,	Miller,	Thompson,
Friedley,	Neff,	Mr. President—21.

*Those who voted in the negative were, Messrs.*

Armstrong,	Glessner,	Smith,
Bird,	Gregg,	Stroud,
Bowman,	Harvey,	Wadge,
Carnahan,	Sarnighausen,	Williams—14.
Cave,	Slater,	

So the order of business was suspended,

Senate Bill No. 49. An act to amend section twenty-two of an act for the incorporation of towns, defining their powers, providing

for the election of the officers thereof and declaring their duties, approved June 11, 1852, and declaring an emergency.

Was read a second time.

The President announced that he had signed enrolled Senate Act No. 1 and enrolled House Act No. 49.

Mr. Brown moved that the Senate do not adjourn.

The ayes and noes were demanded by five Senators.

*Those who voted in the affirmative were, Messrs.*

Bird,	Dwiggins,	Slater,
Bowman,	Gregg,	Sleeth,
Brown,	Harney,	Stroud,
Carnahan,	Haworth,	Scott,
Cave,	Oliver,	Mr. President—15.

*Those who voted in the negative were, Messrs.*

Armstrong,	Fridley,	O'Brien,
Beardsley,	Gooding,	Sarnighausen,
Bunyan,	Hough,	Smith,
Chapman,	Howard,	Taylor,
Collett,	Hubbard,	Thompson,
Daggy,	Miller,	Wadge,
Dittemore,	Neff,	Williams—21.

So the motion to adjourn was not agreed to.

Mr. Armstrong moved to suspend the order of business and take up Senate Bill No. 150,

Which was agreed to.

And the bill read a second time and referred to the Committee on Education.

Mr. Friedley, of Scott, moved that the order of business be suspended, and the Senate take up House Bill No. 72.

Which was agreed to.

House Bill No. 72. A bill in relation to Circuit Courts, and to create the Twenty-ninth Judicial Circuit, providing for the appointment and election of Judge and Prosecuting Attorney therein, and providing compensation thereof, declaring the jurisdiction of said Court and providing for a transfer of action thereto.

Was read a second time by title, and referred to the committee on the judiciary.

By unanimous consent

Mr. Gregg presented a petition from several citizens of Jefferson County, on the subject of the abolition of the Criminal Court.

Referred to committee on the organization of the courts.

On motion by Mr. Gooding,

The Senate adjourned.

## MONDAY MORNING,

DECEMBER 16, 1872, 10 O'CLOCK.

The Senate met.

Pending the reading of the journal

On motion by Mr. Brown,

The further reading thereof was dispensed with.

Message from the Governor, by Mr. Commons, Private Secretary :

MR. PRESIDENT :

I am directed by the Governor, to respectfully inform the Senate that he has approved and signed, Enrolled Act of the Senate No. 1, entitled " An act to repeal an act, entitled ' an act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed land by incorporated companies, and to repeal all former laws relating to the same subject.' "

Which act took effect without Executive approval, on the 22d day of May, 1869.

Also, an act to repeal an act, entitled " An act supplemental to an act, entitled ' an act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relating to the same subject.' "

Which act took effect, May 22, 1869, and prescribing penalties for the violation of the provisions thereof, " which last named act was approved on the 23d day of February, 1871, and declaring an emergency," and saving from the operation of this act, all companies, the line of whose works is sixteen miles in length and under."

By unanimous consent,

Mr. Brown, from a select committee, made the following report :

MR. PRESIDENT:

The select committee to whom was referred Senate Bill No. 118, entitled "An act to repeal all laws now in force establishing the times of holding the Circuit Court in the Second Judicial Circuit, to fix the times for holding said courts, requiring all persons to take notice thereof, providing for the returns of process, and declaring when this act shall take effect," have had the same under consideration and submit the following amendment, to wit: Strike out all after the enacting clause of the first section of the bill, and submit the following in lieu thereof: "That the Circuit Courts in the Second Judicial Circuit shall be held as follows, to wit: In the county of Scott, on the first Monday of February and August; in the county of Jackson, on the second Monday of February and August; in the county of Lawrence, on the first Monday of March and September; in the county of Washington, on the fourth Monday of March and September; in the county of Harrison, on the second Monday of April and October; in the county of Clark, on the fourth Monday of April and October; in the county of Orange, on the second Monday of May and November; in the county of Floyd, on the third Monday of June and fourth Monday of November; that the said court shall sit in the county of Scott one week; in the counties of Jackson and Lawrence, three weeks each; and in the county of Floyd, four weeks; and in all the rest of the counties, two weeks each; and when the business thereof requires it, and when so amended, the committee recommend its passage.

Which report was concurred in, and the amendments adopted.

Mr. Brown moved to suspend the order of business and take up Senate Bill No. 118.

Which was agreed to.

Mr. Brown moved that the bill be considered as engrossed and read a third time.

Which motion was agreed to.

Engrossed Senate Bill No. 118. A bill to repeal all laws now in force establishing the times of holding Circuit Courts in the Second

Judicial Circuit; to fix the times for holding said courts; requiring all persons to take notice thereof; providing for the return of process, and declaring when this act shall take effect.

Was read a third time.

Mr. Brown moved that the bill be made the special order for 2 o'clock P. M. this day.

Which was agreed to.

Mr. Thompson moved to suspend the order of business and take up Senate Bill No. 48.

Which motion was agreed to.

Senate Bill No. 48. An act to amend sections 1 and 8 of an act entitled "An act to establish a home for the maintenance of sick and disabled Indiana soldiers and seamen and their widows and orphans," approved March 11, 1867, and section 2 of an act supplemental thereto, approved May 14, 1869.

Was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Wadge moved to suspend the order of business and take up Senate Bill No. 149.

Which was agreed to.

Senate Bill No. 149. An act providing for the reorganization and government of the State prisons, for the appointment of a board of commissioners to have charge of the same, etc.

Was read a second time by title, and two hundred copies ordered printed.

Mr. Rhodes moved to suspend the order of business and take up Senate Bill No. 157.

Which was agreed to.

Senate Bill No. 157. An act authorizing the purchase of stationery for the use of the county offices of this State and the Circuit, Common Pleas, Superior and Criminal Courts, providing penalties for its violation, repealing all laws in conflict with this act, and declaring an emergency.

Read a second time and referred to the committee on county and township business.

Mr. Hubbard from the committee on engrossed bills, made the following report :

MR. PRESIDENT :

The committee on engrossed bills have examined and find properly engrossed the following Senate bill, to wit :

Senate Bill No. 146.

An Act to fix the number of Senators and Representatives of the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State, and declaring an emergency.

Mr. Harney, by unanimous consent introduced

Senate Bill No. 161. A bill requiring the Board of County Commissioners to refund to tax payers taxes levied and collected, special, and in the construction of railroads, when the purpose for which the same were collected, shall have or may fail.

Which was read a first time.

Mr. Beardsley moved that the order of business be suspended, and that the Senate take up House Bill No. 235.

Which was agreed to.

House Bill No. 235. An act supplemental to "An act to authorize aid to the construction of railroads by counties and townships, taking stock in and making donations to railroad companies," approved May 12, 1869.

Was read a first time.

By unanimous consent,

Mr. Scott introduced

Senate Bill No. 162. An act to repeal an act entitled "An act to repeal section 31 of an act entitled 'An act concerning real property, and the elevation thereof,' approved May 6, 1869, and to authorize the record of deeds, on transcripts thereof, to be read in evidence in courts of justice in this State."

Which was read a first time.

Mr. Neff, by unanimous consent, introduced

Senate Bill No. 163. An act to amend section 7 of an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain duties of county and township officers in relation thereto," and delaring an emergency.

Which was read a first time.

Mr. Oliver moved to suspend the order of business and take up Senate Bill No. 151.

Which was agreed to.

Senate Bill No. 151. An act to amend the first section of an act entitled "An act to amend the first section of an act entitled 'An act for the incorporation of manufacturing and milling companies, and companies for mechanical, chemical, and building purposes,' approved May 20, 1852, so as to provide for the incorporation of companies to furnish motive power, to carry on such business, or to supply any city or village with water," approved March 11, 1864, so as to authorize and provide for the incorporation of Union Stock Yards and Transit Companies, and also to authorize and provide for the incorporation of Grain Elevator Companies, and legalizing the incorporation of any Grain Elevator Companies already formed or attempted to be formed under the act to which this is an amendment, and declaring an emergency.

Was read a second time, and made special order for 3 o'clock, P. M., to-day.

Mr. Williams by consent introduced

Senate Bill No. 164. A bill for an act to fix the number of Senators and Representatives in the General Assembly of the State



of Indiana, and to apportion the same among the several counties of the State.

Which was read a first time.

Mr. Gooding moved to suspend the order of business and take up Senate Bill No. 87.

Which was agreed to.

Mr. Dittmore demanded a call of the Senate.

*Those who answered to their names were, Messrs.*

Beardsley,	Dwiggins,	Sarnighausen,
Bird,	Gooding,	Scott,
Boone,	Gregg,	Smith,
Bowman,	Harney,	Steele,
Brown,	Hough,	Stroud,
Bunyan,	Howard,	Taylor,
Carnahan,	Hubbard,	Thompson,
Cave,	Miller,	Wadge,
Chapman,	Neff,	Williams,
Collett,	O'Brien.	Winterbotham,
Daggy,	Oliver,	Mr. President—35.
Dittmore,	Rhodes,	

Mr. Dittmore moved that the further proceedings under the call be dispensed with.

Which was agreed to.

Mr. Armstrong was granted leave of absence indefinitely on account of sickness.

Senate Bill No. 87. "An act granting the consent of the State of Indiana to the purchase by the United States of certain lands for the purpose of the erection of a public building at Evansville, and ceding jurisdiction over the same.

Was read a second time.

Mr. Gooding moved that the bill be considered as engrossed, and that the constitutional rule requiring that bills be read on three several days be suspended, and the bill be now read a third time.

The ayes and noes were taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Gregg,	Scott,
Bird,	Harney,	Smith,
Boone,	Hough,	Steele,
Bowman,	Howard,	Sleeth,
Carnahan,	Hubbard,	Stroud,
Cave,	Miller,	Taylor,
Chapman,	Neff,	Thompson,
Collett,	O'Brien,	Wadge,
Daggy,	Oliver,	Williams,
Dittemore,	Rhodes,	Winterbotham
Dwiggins,	Sarnighausen,	Mr. President—34.
Gooding,		

No Senator voting in the negative.

So the rule was suspended.

Engrossed Senate Bill No. 87, entitled an act granting the consent of the State of Indiana to the purchase by the United States of certain lands, for the purpose of the erection of a public building at Evansville, and ceding jurisdiction over the same."

Was read a third time.

The question being, shall the bill pass?

Mr. Gooding, by unanimous consent, offered the following amendment :

Add the following section :

"Sec. 6. It is hereby declared that an emergency exists for the immediate taking effect of this act, and the same is hereby declared to be in full force from and after its passage."

Which amendment was adopted.

The question recurring on the passage of the bill,

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Dwiggins,	Sarnighausen,
Bird,	Gooding,	Scott,
Boone,	Gregg,	Smith,
Bunyan,	Harney,	Steele,
Brown,	Hough,	Stroud,
Bunnegan,	Howard,	Taylor,
Carnahan,	Hubbard,	Thompson,
Cave,	Miller,	Wadge,
Chapman,	Neff,	Williams,
Collett,	O'Brien,	Winterbotham,
Daggy,	Oliver,	Mr. President—35.
Dittemore,	Rhodes,	

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill,

Mr. Gooding moved to amend by adding the following words:

“And declaring an emergency.”

Which amendment was agreed to.

The question being, shall the title as amended stand as the title of the bill,

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of the bill.

Mr. Bowman moved to reconsider the vote making Senate Bill No. 116, the special order for 2 o'clock P. M.

Which motion was agreed to.

The question being on the motion to make the bill the special order for 2 o'clock P. M.

Mr. Brown moved to lay the motion on the table.

Which was agreed to.

Engrossed Senate Bill No. 118.

A bill to repeal all laws now in force, establishing the time of holding District Courts in the Second Judicial Circuit, to fix the time for holding said courts, requiring all persons to take notice thereof; providing for the return of process, and declaring when this act shall take effect.

Was taken up and having previously been read a third time,

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Dwiggins,	Sarnighausen,
Bird,	Gooding,	Scott,
Boone,	Gregg,	Smith,
Bowman,	Harney,	Steele,
Brown,	Hough,	Stroud,
Bunyan,	Howard,	Taylor,
Carnahan,	Hubbard,	Thompson,
Cave,	Miller,	Wadge,
Chapman,	Neff,	Williams,
Collett,	O'Brien,	Winterbotham,
Daggy,	Oliver,	Mr. President—35.
Dittemore,	Rhodes,	

No Senator voting in negative.

So the bill passed.

The question being shall the title as read, stand as the title of the bill?

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of the bill.

Mr. Steele moved to suspend the order of business and take up Senate Bill No. 2.

Which motion was agreed to.

Engrossed Senate Bill No. 2. A bill to authorize and regulate the incorporation of banks of discount and deposit in the State of Indiana.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Dittemore,	Rhodes,
Bird,	Dwiggins,	Sarnighausen,
Boone,	Gooding,	Scott,
Bowman,	Gregg,	Steele,
Brown,	Harney,	Stroud,
Bunyan,	Hough,	Taylor,
Carnahan,	Howard,	Thompson,
Cave,	Hubbard,	Wadge,
Chapman,	Miller,	Williams,
Collett,	Neff,	Winterbotham,
Daggy,	Oliver,	Mr. President—33.

Mr. O'Brien voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, that the Secretary inform the House of the passage of the bill.

Mr. Collett, from the joint committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills would respectfully report, that they have examined and compared the following enrolled acts with the engrossed bills, and find them properly enrolled, to-wit :

Enrolled Act No. 5, of the Senate, entitled " An act to require railroad companies to issue stock paid for by taxes voted in aid of

the construction of their railroads, to the tax payers or their assigns, and to issue unclaimed stock for the benefit of the common school fund, and declaring an emergency."

Also, Enrolled Act No. 68, of the Senate, entitled "An act to amend the second section of an act entitled 'An act creating the Twenty-third Common Pleas District,' and making provisions therefor, and repealing all conflicting laws," approved March 11, 1867, providing for the return of process, and declaring an emergency.

Mr. Winterbotham asked and obtained leave to record his vote in favor of the passage of Senate Bill No. 1.

Mr. Dwiggins moved to suspend the order of business and take up Engrossed House Bill No. 134.

Which motion was agreed to.

Engrossed House Bill No. 134. Entitled "A bill to fix the time of holding Circuit Courts and the length of the terms thereof in the several counties composing the Twelfth Judicial Circuit of the State of Indiana, and providing for the return of process thereto."

Was read a second time.

On motion by Mr. Beardsley,

The Senate took a recess until 2 o'clock P. M.

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#### AFTERNOON SESSION, 2 O'CLOCK P. M.

The Senate met.

Mr. Boone, by consent, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education to whom was referred Senate Bill

No. 86, entitled "An act to amend the first section of an act entitled 'An act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and to complete unfinished school buildings, and pay debts contracted for the erection of such buildings, and to authorize the levy and collection of an additional special school tax for the payment of the principal and interest of such bonds, approved March 11, 1867, and declaring an emergency,'" would respectfully represent that they have had the same under consideration and report the same back with the following amendments:

That after the word "debt" in line thirty-three of section one, the following be inserted, to wit: "Provided that the interest on any such bonds shall not exceed the rate of ten per *centum* per annum," and when so amended, recommend its passage.

Which report was concurred in.

Mr. Rhodes moved to suspend the order of business and take up Senate Bill No. 86.

Which motion was agreed to.

Senate Bill No. 86. Entitled a bill to amend the first section of an act entitled "An act to authorize cities and towns to negotiate and sell bonds to procure means with which to complete unfinished school buildings and pay debts contracted for the erection of school buildings and authorizing the levy and collection of an additional special school tax for the payment of principal and interest of school bonds," approved March 11, 1867, and declaring an emergency.

Was read a second time with amendments. Adopted.

Mr. Rhodes moved that the constitutional rule requiring bills to be read on three several days be suspended, consider the bill engrossed and read a third time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Brown,	Collett,
Beeson,	Carnahan,	Daggy,
Boone,	Chapman,	Dittemore,

Dwiggins,	Hubbard,	Smith,
Francisco,	Miller,	Steele,
Friedley, of Scott,	Neff,	Stroud,
Glessner,	O'Brien,	Taylor,
Gooding,	Orr,	Thompson,
Hall,	Rhodes,	Wadge,
Harney,	Sarnighausen,	Williams,
Hough,	Scott,	Mr. President—34.
Howard,		

*Those who voted in the negative were, Messrs.*

Bird,	Cave,	Winterbotham—5.
Bowman,	Slater,	

So the rule was suspended.

Senate Bill No. 86. A bill to amend the first section of an act entitled "An act to authorize cities and towns to negotiate and sell bonds to procure means with which to complete unfinished school buildings, and pay debts contracted for the erection of such buildings, and authorizing the levy and collection of an additional special school tax for the payment of principal and interest of school bonds," approved March 11, 1867, and declaring an emergency,

Was read a third time.

The question being, shall the bill pass?

On motion by Mr. Friedley, of Lawrence, (Mr. Gooding in the chair), the bill was indefinitely postponed.

#### SPECIAL ORDER.

The hour having arrived for the consideration of Senate Bill No. 9, with accompanying report,

Mr. Thompson moved to postpone the consideration thereof until to-morrow at 2 o'clock P. M.

Mr. Dittmore moved to lay the motion on the table.

Which was not agreed to.



The question recurring on the motion by Mr. Thompson,  
It was agreed to.

Mr. Thompson moved to suspend the regular order of business  
and take up Senate Bill No. 40.

Which was agreed to.

Engrossed Senate Bill No. 40. An act to amend section second  
of an act entitled "An act concerning the organization of voluntary  
associations, and repealing former laws, in reference thereto, approved  
February 12, 1855, and declaring an emergency to exist.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Friedley, of Scott,	O'Brien,
Beeson,	Glessner,	Oliver,
Boone,	Gooding,	Orr,
Bowman,	Hall,	Rhodes,
Brown,	Harney,	Sarnighausen,
Bunyan,	Haworth,	Sleeth,
Chapman,	Hough,	Smith,
Collett,	Howard,	Steele,
Daggy,	Hubbard,	Stroud,
Dittemore,	Miller,	Taylor,
Dwiggins,	Neff,	Thompson—34.
Francisco,		

*Those who voted in the negative were, Messrs.*

Bird,	Cave,	Winterbotham—5.
Carnahan,	Slater,	

So the bill passed.

The question being, shall the title as read stand as the title of the  
bill?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of the bill.

Mr. Friedley, of Lawrence, (Mr. Gooding in the chair) offered the following :

*Resolved*, That David H. Olive, Secretary, and Primus P. Culver, Assistant Secretary, be each allowed the sum of two hundred dollars (\$200) for indexing, correcting proof, and preparing abstract for the Senate journal of the Special session, 1872, including the filing of all bills remaining in the hands of the Senate, preparatory for action at the regular session of the Senate, 1873, and that the President of the Senate is hereby authorized to issue his warrant on the Auditor of State for said amount, the same to be paid out of money heretofore appropriated for Legislative purposes.

Which resolution was adopted.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed enrolled act of the Senate No. 51, entitled an act to amend section first of an act to organize a Supreme Court, and prescribing certain duties of the judges thereof, approved May 13, 1852.

Also, I am directed by the Speaker of the House to inform the Senate that he has signed enrolled act of the House of Representatives No. 32, entitled an act to provide for the time of holding the court of Common Pleas in the Sixteenth Judicial District of the State, and to repeal all laws in conflict therewith, and declaring an emergency.

Also, that he has signed enrolled act of the Senate No. 52, entitled an act dividing the State into five Supreme Court judicial districts, providing for the appointment of one judge of said court to fill vacancy, repealing all laws in conflict herewith, and declaring an emergency.

Also, that he has signed Enrolled Act of the Senate, No. 5, entitled "An act to require railroad companies to issue stock, paid for by taxes voted in aid of the construction of their railroad, to the

tax-payers or their assigns, and to issue unclaimed stock for the benefit of the common school fund and declaring an emergency.

Also, that he has signed Enrolled Act of the Senate, No. 68, entitled "An act to amend the 2d section of an act entitled, 'An act creating the Twenty-third Common Pleas District and making provisions therefor and repealing all conflicting laws,' approved March 11, 1867, providing for the return of process and declaring an emergency."

And the same is herewith transmitted to the Senate for the signature of the President thereof.

Mr. Brown moved to suspend the order of business and take up Engrossed House Bill No. 73.

Which was agreed to.

Engrossed House Bill No. 73. A bill fixing the *per diem* and mileage of the members of the General Assembly, and providing that they shall provide their own stationery.

Was read a third time.

The question being, shall the bill pass?

Mr. Dwiggins demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beeson,	Collett,	Harney,
Bird,	Dittemore.	Hough,
Bowman,	Francisco,	Hubbard,
Brown,	Glessner,	O'Brien,
Carnahan,	Gooding,	Oliver,
Cave,	Hall,	Rhodes,

Rosebrugh,	Smith,	Taylor,
Sarnighausen,	Steele,	Wadge,
Scott,	Stroud,	Mr. President—28.
Sleeth,		

*Those who voted in the negative were, Messrs.*

Beardsley,	Friedley, of Scott,	Orr,
Boone,	Gregg,	Slater,
Bunyan,	Haworth,	Thompson,
Chapman,	Miller,	Williams,
Daggy,	Neff,	Winterbotham—16.
Dwiggins,		

So the bill passed?

The question being, shall the title as read stand as the title of the bill?

Mr. Dwiggins moved to strike out the words "a bill," and insert the words "an act."

Which was agreed to.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of bill.

Mr. Dwiggins moved that the order of business be suspended, to take up Senate Bill No. 146.

Mr. Williams moved to lay the motion on the table.

Messrs. Williams and Cave demanded the ayes and noes.

*Those who voted in the negative were, Messrs.*

Bird,	Carnahan,	Franciseo,
Boone,	Cave,	Gregg,
Bowman,	Dittemore,	Hall,

Harney,	Slater,	Stroud,
O'Brien,	Smith,	Williams,
Oliver,	Steele,	Winterbotham—18.
Sarnighausen,		

*Those who voted in the negative were, Messrs.*

Beardsley,	Friedley, of Scott,	Orr,
Beeson,	Gooding,	Rhodes,
Brown,	Haworth,	Scott,
Bunyan,	Hough,	Sleeth,
Collett,	Howard,	Taylor,
Chapman,	Hubbard,	Thompson
Daggy,	Miller,	Wadge,
Dwiggins,	Neff,	Mr. President—24.

So the motion to lie on the table was not agreed to.

Mr. Dwiggins demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

Messrs. Harney and Gregg demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Haworth,	Rhodes,
Beeson,	Hough,	Scott,
Brown,	Howard,	Sleeth,
Bunyan,	Hubbard,	Taylor,
Chapman,	Miller,	Thompson,
Collett,	Neff,	Wadge,
Daggy,	Oliver,	Mr. President—25.
Dwiggins,	Orr,	

*Those who voted in the negative were, Messrs.*

Bird,	Francisco,	Sarnighausen,
Boone,	Glessner,	Slater,
Bowman,	Gregg,	Smith
Carnahan,	Hall,	Stroud,
Cave,	Harney,	Williams,
Dittemore,	O'Brien,	Winterbotham—18.

So the Senate ordered the main question to be now put.

The question being on suspending the order of business and taking up Senate Bill No. 146.

It was agreed to.

Engrossed Senate Bill No. 146. An act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State, and declaring an emergency.

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Gooding,	Rhodes,
Beeson,	Haworth,	Scott,
Brown,	Hough,	Sleeth,
Bunyan,	Hubbard,	Steele,
Chapman,	Howard,	Taylor,
Collett,	Miller,	Thompson,
Daggy,	Neff,	Wadge,
Dwiggins,	Oliver,	Mr. President—26.
Friedley, of Scott,	Orr,	

*Those who voted in the negative were, Messrs.*

Bird,	Francisco,	Sarnighausen,
Boone,	Glessner,	Slater,
Bowman,	Gregg,	Smith,
Carnahan,	Hall,	Stroud,
Cave,	Harney,	Williams,
Dittemore,	O'Brien,	Winterbotham—18.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of the bill.

Mr. Friedley of Lawrence, (Mr. Brown in the chair,) moved to reconsider the vote on the passage of the bill, and to lay that motion on the table.

Which was agreed to.

Mr. Gooding moved to suspend the order of business and take up Senate Bill No. 54, consider the bill engrossed and read the same a third time now.

Which motion was agreed to.

Engrossed Senate Bill No. 54. An act to divide the State of Indiana into Congressional Districts,

Was read a first time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Gooding,	Orr,
Beeson,	Haworth,	Rhodes,
Brown,	Hough,	Scott,
Bunyan,	Howard,	Sleeth,
Chapman,	Hubbard,	Steele,
Collett,	Miller,	Taylor,
Daggy,	Neff,	Thompson,
Dwiggins,	O'Brien,	Wadge,
Friedley,	Oliver,	Mr. President—27.

*Those who voted in the negative were, Messrs.*

Bird,	Glessner,	Slater,
Boone,	Gregg,	Smith,
Bowman,	Hall,	Stroud,
Francisco,	Sarnighausen,	Winterbotham—12.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of the bill.

Mr. Friedley, of Lawrence, (Mr. Brown in the chair,) moved to reconsider the vote on the passage of the bill, and to lay that motion on the table.

Messrs. Gregg and Slater demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Gooding,	Orr,
Beeson,	Haworth,	Rhodes,
Brown,	Hough,	Scott,
Bunyan,	Howard,	Sleeth,
Chapman,	Hubbard,	Steele,
Collett,	Miller,	Taylor,
Daggy,	Neff,	Thompson,
Dwiggins,	O'Brien,	Wadge,
Friedley,	Oliver,	Mr. President—27.

*Those who voted in the negative were, Messrs.*

Boone,	Glessner,	Slater,
Bowman,	Gregg,	Smith,
Cave,	Hall,	Stroud,
Francisco,	Sarnighausen,	Winterbotham—12.

So the motion to lay on the table prevailed.

Mr. Collett, from the committee on engrossed bills, made the following report:

MR. PRESIDENT:

The committee on engrossed bills have had Senate Bill No. 48 under consideration, and find the same correctly engrossed, and direct me to so report.

Mr. Collett made the following additional report:

MR. PRESIDENT:

The committee on enrolled bills respectfully report that they have presented this day, December 14, 1872, to the Governor, for his signature, the following enrolled acts, to wit:

Enrolled Act No. 51, Senate, entitled "An act to amend section 1



of an act entitled 'An act to organize a Supreme Court, and prescribing certain duties of the judges thereof.' "

Also, Enrolled Act No. 52, Senate. An act dividing the State into five Supreme Court Judicial Districts, providing for the appointment of one judge of said court to fill vacancy, repealing all laws in conflict herewith, and declaring an emergency.

Also, Enrolled Act No. 5, Senate, entitled "An act to require railroad companies to issue stock paid for by taxes voted in aid of the construction of their railroads to the taxpayers, or their assigns, and to issue unclaimed stock for the benefit of the common school fund, and declaring an emergency."

Also, Enrolled Act No. 68, Senate, entitled "An act to amend the 2d section of an act entitled 'An act creating the Twenty-third Common Pleas District, and making provisions therefor, and repealing all conflicting laws,' approved March 11, 1867, providing for the return of process, and declaring an emergency."

Also, Enrolled Act No. 32, House, entitled "An act to provide for the time of holding the Court of Common Pleas in the Tenth Judicial District of the State of Indiana, and to repeal all laws in conflict therewith, and declaring an emergency."

Mr. Neff, from the committee on claims, made the following report :

MR. PRESIDENT:

The committee on claims, to which was referred the resolution with reference to the "Brevier Legislature Reports," report that it is in exact accord with acts of previous Legislatures for many years past, and its passage is recommended with an amendment, adding these words: "With interest on the half the gross amount due on account of last session."

*Resolved*, That the Auditor of State be, and is hereby directed to issue his warrants on the State treasury in favor of A. E. and W. H. Drapier for the numbers of copies of the "Brevier Legislature Reports" of the Forty-seventh General Assembly, as have been furnished every session since 1857, the same price paid per page per copy for the last several volumes, to be paid out of the funds appropriated for

Legislative expenses, and also at the same rate for the same number of copies of the current volume for the present session.

Which report was concurred in, and the resolution adopted.

The President announced that he had signed Enrolled Senate Acts Nos. 51, 52, 68 and 5 ; also, Enrolled House Act No. 32.

Mr. Friedley presented a petition from Jefferson county, asking the re-establishment of the Jefferson Criminal Court,

Which was referred to the committee on organization of courts without reading.

On motion by Mr. Sleeth,

The Senate adjourned.

## TUESDAY MORNING.

DECEMBER 17, 10 O'CLOCK.

The Senate met.

Prayer was offered by Rev. Mr. Howard, of the Methodist Episcopal Church.

The Journal of yesterday was read.

Mr. Williams moved to correct the Journal of yesterday by inserting immediately after the statement that Senate Bill No. 146 was read a third time, the following :

“Mr. Williams moved to recommit to a select committee of one from each Congressional district, with instructions to strike out from the enacting clause and insert a new bill.”

Which was decided out of order by the chair.

Mr. Brown moved to substitute the following in lieu of the proposition of Senator Williams.

Mr. Williams moved to amend the Journal by inserting the following :

“Mr. Williams moved to commit the bill to a select committee of one from each Congressional district, with instructions.”

The presiding officer—Mr. Brown in the chair—decided the motion out of order, for the reason that the Senate had seconded the demand of Senator Dwiggins for the previous question, and had ordered the main question to be now put, and that the Senate was now acting under the operation of the previous question.

Mr. Williams moved to lay the substitute of Senator Brown on the table.

The question being on the motion to lie on the table, Messrs. Williams and Bowman demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beggs,	Frieley,	Ringo,
Bird,	Glessner,	Sarnighausen,
Boone,	Gooding,	Slater,
Bowman,	Gregg,	Stroud,
Carnahan	Hall,	Taylor,
Cave,	Harney,	Wadge,
Daggy,	Neff,	Williams,
Dittemore,	O'Brien,	Winterbotham—26.
Francisco,	Oliver,	

*Those who voted in the negative were, Messrs.*

Beeson,	Collett,	Scott,
Brown,	Dwiggins,	Sleeth,
Bunyan,	Howard,	Steele,
Chapman,	Orr,	Mr. President—12.

Mr. Williams was excused from voting.

The motion to lay on the table was agreed to.

Mr. Brown offered the following substitute:

“Mr. Williams moved to commit the bill to a select committee of one from each congressional district, with instructions. The presiding officer (Mr. Brown in the chair) decided the motion out of order, for the reason that the Senate had seconded the demand of Senator Dwiggins for the previous question, and had ordered the main question to be now put, and that the Senate was now operating under the previous question.”

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following Engrossed Senate bill, to-wit:

Engrossed Senate Bill No. 118. A bill to repeal all laws now in force establishing the times of holding Circuit Court in the Second Judicial Circuit, to fix the times of holding said courts, requiring all persons to take notice thereof, providing for the return of process, and declaring when this act shall take effect.

Engrossed Senate Bill No. 45. A bill to provide for the permanent inclosure of the Tippecanoe battle ground, and declaring an emergency.

I am also directed to inform the Senate, that the House has concurred in the amendmenes of the Senate to the House Bills Nos. 73 and 119.

I am also directed to inform the Senate that the House has passed the following Engrossed Senate Bill No. 145. A bill in relation to the organization of the two Houses of the General Assembly, prescribing the number of officers and employes of each House, and regulating their duties, with the accompanying engrossed amendments of the House thereto :

Engrossed Amendments of the House of Representatives to Senate Bill No. 145:

Amend that part of section two that relates to the number of copying clerks of the assistant clerk of the House of Representatives by striking out the word "four" and inserting "five."

Amend that part of section two which provides for three engrossing clerks for the principal clerk: the same shall read "four engrossing clerks and one page."

Amend section three and four by striking out clerks of the standing committee of the Senate and House.

Amend title by striking therefrom the words following, to wit: "In relation to the organization of the two Houses of the General Assembly."

I am also directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to wit:

Engrossed House Bill No. 257. A bill to amend the third section

of an act entitled "An act districting the State for Judicial Circuits," approved June 17, 1852:

Engrossed House Bill No. 258. A bill to amend the first section of an act entitled "An act to create the Fifteenth Judicial Circuit," approved February 22, 1859.

The question recurring on the adoption of the substitute by Mr. Brown,

Mr. Glessner moved to lay the substitute on the table.

Messrs Hall and Cave demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beggs,	Dittemore,	Sarnighausen,
Bird,	Francisco,	Slater,
Brown,	Glessner,	Stroud,
Bowman,	Gregg,	Wadge,
Carnahan,	Hall,	Williams,
Cave,	Harney,	Winterbotham—18.

*Those who voted in the negative were, Messrs.*

Brown,	Gooding,	Rhodes,
Bunyan,	Howard,	Scott,
Chapman,	Miller,	Sleeth,
Collett,	Neff,	Steele,
Daggy,	O'Brien,	Taylor,
Dwiggins,	Oliver,	Mr. President—20.
Friedley, of Scott,	Orr,	

Messrs. Haworth and Hough were excused from voting.

So the motion was not agreed to.

The question being on the adoption of the amended or **second** substitute of Mr. Brown,

It was agreed to.

Mr. Glessner offered the following:

Amend the Journal to read that upon the motion of Mr. Williams

to lay the motion of Mr. Dwiggins to take up Senate Bill No. 146 on the table, the ayes and noes being called for, before the Secretary proceed to call the roll, Mr. Glessner asked the Senate to be excused from voting, which motion or leave to be excused from voting, was, by the chair, decided out of order; thereupon Mr. Glessner appealed from the decision of the chair, and asked leave to send up his appeal, which was disregarded, and the Secretary directed to proceed with the roll call.

Mr. Dwiggins moved to lay the amendment offered by Mr. Glessner on the table.

The question being on the motion to lay the amendment on the table,

Messrs. Hall and Glessner demanded the ayes and noes.

*Those who voted in the affirmative, were Messrs.*

Brown,	Hough,	Sleeth,
Bunyan,	Howard,	Steele,
Chapman,	Miller,	Taylor,
Collett,	O'Brien,	Wadge,
Dwiggins,	Rhodes,	Mr. President—18.
Friedley, of Scott,	Scott,	

*Those who voted in the negative were, Messrs.*

Beggs,	Francisco,	Oliver,
Bird,	Glessner,	Orr,
Boone,	Gooding,	Sarnighansen,
Bowman,	Gregg,	Slater,
Carnahan,	Hall,	Stroud,
Cave,	Harney,	Williams,
Daggy,	Neff,	Winterbotham—22.
Dittemore,		

Messrs. Haworth and Ringo, were excused from voting.

So the amendment was not laid on the table.

Mr. Brown offered the following substitute for Mr. Glessner's amendment:

Pending the motion of Senator Williams, to lay the motion of Senator Dwiggins to take up Senate Bill No. 146, and have it read a third time, and put it upon its passage, and after the presiding officer—Mr. Brown in the chair—had directed the Secretary to call the roll, and after the Secretary had commenced to call the roll, Senator Glessner, before his name was called, exclaimed that he desired to be excused from voting. The presiding officer refused to recognize Senator Glessner, and decided that his motion was then out of order. Senator Glessner then exclaimed, that he would appeal from the decision of the chair, but he did not reduce his appeal to writing, nor did he ask time to reduce it to writing, nor did he offer any appeal, nor did any Senator join him in his proposed appeal.

Mr. Beeson moved to lay the whole matter on the table.

Messrs. Glessner and Hall demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Friedley,	O'Brien,
Beeson,	Gooding,	Oliver,
Brown,	Haworth,	Rhodes,
Bunyan,	Hough,	Scott,
Chapman,	Howard,	Sleeth,
Collett,	Hubbard,	Steele,
Daggy,	Miller,	Taylor,
Dwiggins,	Neff,	Mr. President—24.

*Those who voted in the negative were, Messrs.*

Beggs,	Francisco,	Sarnighausen,
Bird,	Glessner,	Slater,
Boone,	Gregg,	Stroud,
Bowman,	Hall,	Wadge,
Carnahan,	Harney,	Williams,
Cave,	Ringo,	Winterbotham—19.
Dittemore,		

So the whole subject was laid on the table.

The Journal, as corrected, was adopted.

The President laid before the Senate a communication from the



Attorney General of the State, the Hon. James C. Denney, in response to the concurrent resolution of the two Houses of the General Assembly, with reference to the Calumet Feeder Dam.

Which, on motion by Mr. Wadge, was referred to a select committee of three, without reading.

The Chair announced the following committee on the foregoing motion :

Messrs. Wadge, Hubbard and Winterbotham.

Mr. Haworth moved to suspend the order of business and take up House Bill No. 172.

Which motion was agreed to.

Mr. Glessner moved the Senate take a recess until until 2 o'clock P. M.

Which was agreed to.

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#### AFTERNOON SESSION.

The Senate reassembled at 2 o'clock.

The question pending at the adjournment was the consideration of House Bill No. 172.

House Bill No. 172. A Bill to fix the times of holding the Common Pleas Court in the several Counties composing the Sixth Judicial District, the duration of such terms, and repealing all laws in conflict therewith,

Was read a first time.

Message from the Governor by John M. Commons, his Private Secretary :

MR. PRESIDENT :

By direction of the Governor, I have the honor to transmit herewith a communication concerning the appointment of Trustees of the State Normal School.

MR. PRESIDENT :

I am directed by the Governor to respectfully inform the Senate that he has approved and signed the following enrolled acts, viz :

Enrolled Act of the Senate No. 51, entitled "An act to amend section first of an act entitled 'An act to organize a Supreme Court and prescribing certain duties of Judges thereof.' Approved May 13, 1852."

Enrolled Act of the Senate No. 52, entitled "An act deviding the State into five Supreme Districts, providing for the appointment of one judge of said court to fill vacancy, repealing all laws in conflict therewith and declaring an emergency."

Enrolled Act of the Senate No. 68, entitled "An act to amend the second section of an act entitled 'An act creating the Twenty-sixth Common Pleas District and making provisions therefor and repealing all conflicting laws,' approved March 11, 1867, providing for the return of process and declaring an emergency."

Enrolled Act of the Senate No. 5, entitled "An act to require railroad companies to issue stock paid for by taxes voted in aid of the construction of their railroads to the taxpayers or their assignor, and to issue unclaimed stock for the benefit of the common school fund," and declaring an emergency.

And that the said several acts have been deposited in the office of the Secretary of State.

GENTLEMEN OF THE SENATE :

I have the honor to state for the information of the Senate, that on the 6th day of December, 1869, I appointed Richard W. Thompson, of Vigo county, Trustee of the State Normal School, to succeed John M. Alcott, and to serve for four years, from the 20th day of December, 1869, and respectfully ask that said appointment may be confirmed by the Senate.

I beg leave, also, to state that on the 22d day of June, 1872, John Ingle, Jr., one of the trustees of said Normal School, resigned his office, and I thereupon appointed Barnabas C. Hobbs, of Parke county, to fill the vacancy, and to serve for the unexpired term of said Ingle, to wit: For the term of four years from the 20th day of December, A. D. 1869. I likewise respectfully ask the confirmation of the appointment of the said Barnabas C. Hobbs, as aforesaid. Also, that Wm. C. Hannah, of Laporte county, who had been appointed one of the trustees of said State Normal School, for the term of four years from the 20th day of December, 1869, resigned his office on the 12th day of December, 1872, and I do hereby nominate and appoint Erastus W. H. Ellis, of Elkhart county, to fill said vacancy, and to serve for four years from December 20th, 1869, and respectfully solicit his confirmation.

It is proper to state that the appointment of Richard W. Thompson would have been reported to the Senate for confirmation at the last regular session thereof, in 1871, but the premature dissolution of the General Assembly prevented its being done.

Respectfully submitted,

CONRAD BAKER,

Governor.

Mr. Gooding moved to suspend the order of business and take up House Bill No. 257.

Which was agreed to.

House Bill No. 257. A bill to amend the third section of an act entitled "An act districting the State for judicial circuits," approved June 17, 1852,

Was read a first time.

Mr. Gooding moved that the constitutional rule be suspended, and the bill be read a second and third time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Beeson,

Bird,

Bowman,

Beggs,

Boone,

Brown,

S. J.—28

Bunyan,	Gooding,	Orr,
Carnahan,	Gregg,	Rosebrugh,
Cave,	Hall,	Sarnighausen,
Chapman,	Haworth,	Scott,
Collett,	Hough,	Slater,
Daggy,	Howard,	Stroud,
Dittemore,	Hubbard,	Taylor,
Dwiggins,	Miller,	Winterbotham,
Francisco,	Neff,	Mr. President—35.
Glessner,	O'Brien,	

No Senator voting in the negative.

So the rule was suspended, and the bill was read a second time by title and a third time by section.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Dwiggins,	O'Brien,
Beeson,	Francisco,	Orr,
Beggs,	Friedley,	Ringo,
Bird,	Glessner,	Rosebrugh,
Boone,	Gooding,	Sarnighausen,
Bowman,	Gregg,	Scott,
Brown,	Hall,	Slater,
Bunyan,	Haworth,	Steele,
Carnahan,	Hough,	Stroud,
Cave,	Howard,	Taylor,
Chapman,	Hubbard,	Wadge,
Collett,	Miller,	Winterbotham,
Daggy,	Neff,	Mr. President—40.
Dittemore,		

Mr. Williams voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of the bill.

Message from the House, by Mr. Nixon, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to wit :

Engrossed House Bill No. 113. A bill to amend section 2 of an act entitled "An act to amend sections 4 and 7 of an act to provide for the election, fixing the compensation, and prescribing the duties of the Attorney General of the State of Indiana," approved June 3, 1861.

Engrossed House Bill No. 123. A bill providing for transactions of road business and times for appointment of superintendents and physician for poor.

Engrossed House Bill No. 177. A bill fixing the time of holding the courts in the counties composing the First Judicial Circuit of this State, and repealing all laws conflicting herewith, and declaring an emergency.

Engrossed House Bill No. 138. A bill to amend the 3d section of an act entitled "An act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and to complete unfinished school buildings, and pay debts contracted for erection of such buildings, and authorizing the levy and collection of an additional special school tax for the payment of such bonds," approved March 11, 1867.

Engrossed House Bill No. 198. A bill to amend section fifteenth, nineteenth, thirty-first and forty-ninth sections of an act approved May 12, 1869, entitled "An act providing for the organization of savings banks, and the safe and proper management of their affairs."

Engrossed House Bill No. 227. A bill providing for the payment to township trustees of all moneys which shall have been collected from townships for either general, special or specific purposes, except such money as may have been collected from town-

ships for State and county revenue, and prescribing punishment of officers failing to comply with the requirements hereof, and repealing all laws inconsistent therewith.

Engrossed House Bill No. 174. A bill to amend section thirty-two of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights," etc., etc.

Engrossed House Bill No. 148. A bill defining certain felonies and prescribing punishment therefor, compelling the testimony of parties engaged therein against others than themselves, declaring contracts with respect thereto void, and repealing all acts in conflict with this act.

Engrossed House Bill No. 130. A bill to render uniform the rate of interest on the common school funds of the State of Indiana.

I am also directed to inform the Senate that the House has passed the following engrossed bill of the Senate, to-wit:

Engrossed Senate Bill No. 40. An act to amend section 2 of an act entitled "An act concerning the organization and perpetuity of voluntary associations, and repealing an act entitled 'An act concerning the organization of voluntary associations, and repealing all former laws in relation thereto,' approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act," approved February 20, 1867, and declaring an emergency to exist.

Mr. Gooding moved to suspend the order of business and take up House Bill No. 258.

Which was agreed to.

House Bill No. 258. A bill to amend the first section of an act entitled "An act to create the Fifteenth Judicial Circuit," approved February 22, 1859,

Was read a first time.

Mr. Gooding moved to suspend the constitutional rule requiring that bills be read on three several days and read the bill a second and third time now.

Mr. Cave moved to lay the motion on the table.

Which was agreed to.

Mr. Collett made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills respectfully report that they have examined and compared Enrolled Senate Act No. 45, entitled "An act to provide for the permanent enclosure of the Tippecanoe Battle Ground, and declaring an emergency," with the engrossed bill thereof, and find the same correctly enrolled.

Mr. Steele, from the committee on finance, by unanimous consent, made the following report :

MR. PRESIDENT :

The committee on finance, to whom was referred a resolution in relation to valuation of real and personal property for taxation, have had the same under consideration, and a majority have directed me to recommend the passage of the bill herewith returned, to-wit: Senate Bill No. 163.

Which report was concurred in.

Mr. Brown presented a petition from citizens of Shelby county, protesting against the passage of a bill legalizing certain acts of certain gravel road companies.

Which was read and referred to the committee on corporations.

#### SPECIAL ORDER.

The hour having arrived for the consideration of Senate Bill No. 9,

Mr. Hough moved to postpone the same until Saturday morning, at 10 o'clock.

Mr. Glessner moved to lay the motion on the table.

Which was agreed to.

Mr. Neff moved to postpone, and make it the special order of Friday, 2 o'clock p. m.

Mr. Dittemore moved to lay the motion on the table.

Messrs. Hough and Neff demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Bird,	Francisco,	Sarnighausen,
Boone,	Glessner,	Slater,
Bowman,	Gregg,	Stroud,
Carnahan,	Harney,	Wadge,
Cave,	Ringo,	Winterbotham—17.
Dittemore,	Rosebrugh,	

*Those who voted in the negative were, Messrs.*

Beardsley,	Gooding,	Orr,
Beeson,	Hall,	Scott,
Bunyan,	Haworth,	Sleeth,
Chapman,	Hough,	Smith,
Collett,	Howard,	Steele,
Daggy,	Hubbard,	Taylor,
Dwiggins,	Neff,	Williams,
Friedley, of Scott.	O'Brien,	Mr. President—24.

So the motion to lie on the table did not prevail.

Mr. Williams moved to amend the motion, by making it a special order for to-morrow, 2 o'clock P. M.

Mr. Brown moved to lay the amendment on the table.

Messrs. Slater and Williams demanded the ayes and noes.

*Those who voted in the affirmative, were, Messrs.*

Beardsley,	Brown,	Chapman,
Beeson,	Bunyan,	Collett,



Daggy,	Hoyt,	Scott,
Dwiggins,	Howard,	Sleeth,
Friedley,	Hubbard,	Steele,
Gooding,	Neff,	Taylor,
Hall,	O'Brien,	Wadge,
Haworth,	Orr,	Mr. President—24

*Those who voted in the negative were, Messrs.*

Beggs,	Dittemore,	Sarnighausen,
Bird,	Francisco,	Slater,
Boone,	Glessner,	Smith,
Bowman,	Gregg,	Stroud,
Bunyan,	Harney,	Williams,
Carnahan,	Ringo,	Winterbotham—20.
Cave,	Rosebrugh,	

So the motion to lay on the table prevailed.

The question recurring in the motion to make the bill the special order for Friday, at 2 P. M.

It was agreed to.

Mr. Steels moved to suspend the order of business and take up Engrossed House Bill No. 163.

Which was agreed to.

Engrossed House Bill No. 163. A bill to provide for a uniform assessment of property and for the collection and return of taxes thereon,

Was read a third time.

The question being, shall the bill pass?

Mr. Williams demanded a call of the Senate.

Pending the call, Mr. Beardsley moved to dispense with the further proceeding under the call.

Which was agreed to.

The question being on the passage of Senate Bill No. 163.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Glessner,	Rhodes,
Beeson,	Gooding,	Ringo,
Bird,	Hall,	Sarnighausen,
Boone,	Harney,	Scott,
Bowman,	Hough,	Slater,
Brown,	Howard,	Sleeth,
Bunyan,	Hubbard,	Steele,
Carnahan,	Miller,	Stroud,
Daggy,	Neff,	Taylor,
Dwiggins,	O'Brien,	Wadge,
Francisco,	Oliver,	Williams—35.
Friedley, of Scott,	Orr,	

*Those who voted in the negative were, Messrs.*

Beggs,	Gregg,	Winterbotham,
Cave,	Haworth,	Mr. President—8.
Chapman,	Rosebrugh,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of the bill.

The President announced that he had signed Enrolled Senate Act Nos. 45, 118, and House Bills 73 and 257.

Message from the House, by Mr. Nixon, Clerk thereof.

MR PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to wit:

Engrossed House Bill No. 171. A bill prescribing the manner of selecting petit jurors for the Circuit and Common Pleas Courts, and declaring an emergency.

Engrossed House Bill No. 241. A bill to give security to persons who contract with railroad companies to perform work and labor in the construction of railroads, and declaring an emergency.

I am also directed by the Speaker, of the House of Representatives, to inform the Senate, that he has signed the following enrolled act of the Senate, to wit.:

Enrolled Senate Act No. 45. An act to provide for the permanent inclosure of the Tippecanoe Battle Ground, and declaring an emergency.

Mr. Hall, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills have carefully compared Enrolled Act No. 118, an act establishing time of holding courts in the Second Judicial District, and direct me to report same correctly enrolled. Also, that they have this day presented to the Governor, for his signature, Enrolled Act of the Senate No. 45, entitled "An act to provide for the permanent inclosure of the Tippecanoe Battle Ground, and declaring an emergency."

Mr. Hall, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills have carefully compared Enrolled Act No. 73, an act fixing the per diem of members of the General Assembly, and direct me to report the same correctly enrolled; also, House Bill No. 257, a bill to amend the third section districting the State for Judicial Circuits, and direct me to report the same correctly enrolled.

Mr. Hall, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

I am directed by the committee on enrolled bills to report that they have this day presented to the Governor for his signature,

Enrolled Act No. 73, an act fixing the per diem and mileage of members of the General Assembly ; also Enrolled Act No, 118, an act repealing all laws now in force establishing the times of holding Circuit Court in the Second Judicial Circuit, and fixing the time for holding said court.

Mr. Collett, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills respectfully report that they have examined and compared Enrolled Senate Act No. 45, entitled "An act to provide for the permanent enclosure of the Tippecanoe Battle Ground, and declaring an emergency," with the engrossed bill thereof, and find the same correctly enrolled.

Message from the House, by Mr. Nixon, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled acts, to wit:

Enrolled Act No. 118, Senate. An act to repeal all laws now in force establishing the times of holding Circuit Court in the Second Judicial Circuit, etc.

Also, Enrolled Act No. 73, House. An act fixing the per diem and mileage of members of the General Assembly and providing that they shall provide their own stationery, and the same are respectfully referred to the Senate for the signature of the President thereof.

Also, Enrolled Act No. 257, House. An act to amend the third section of an act entitled "An act districting the State for judicial circuits," approved June 17, 1852.

Mr. Hall, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills respectfully report that they have this day presented to the Governor for his signature Enrolled Act of the House No. 257, entitled "An act to amend the third section of an act entitled 'An act districting the State for judicial circuits,' approved June 17, 1852."

Mr. Oliver moved to suspend the order of business and take up House Bill No. 227.

Which was agreed to.

Engrossed House Bill No. 227. A bill providing for the payment of township trustees of all moneys which shall have been collected from townships for either general, special or specific purposes, except such moneys as may have been collected from townships for State and county revenue, and prescribing punishment of officers failing to comply with the requirements hereof, and repealing all laws inconsistent therewith.

Was read a first time.

On motion by Mr. Glessner,

The Senate adjourned.

## WEDNESDAY MORNING.

DECEMBER 18, 1872, 10 O'CLOCK.

The Senate met.

Prayer was offered by Rev. Mr. Snyder, of the M. E. Church.

Mr. Taylor rose to a privileged question, and offered the following :

*Resolved*, That the Governor be respectfully requested to return to the Senate, Senate Bill No. 45, the same bill not being enrolled in shape as it passed the Senate.

Which resolution was adopted.

Pending the reading of the Journal,

Mr. Orr moved to dispense with its further reading,

Which motion was agreed to.

Mr. Neff moved to suspend the order of business and take up House Bill No. 8,

Which was agreed to.

Engrossed House Bill No. 8. A bill to prevent hunting and shooting on enclosed lands without consent of the owner or occupant thereof, and providing a penalty therefor,

Was read a second time.

Message from the Governor, by Mr. Commons, his Private Secretary.

MR. PRESIDENT :

By direction of the Governor I have the honor to transmit herewith a communication announcing the appointment of Commissioners of the House of Refuge, and asking their confirmation.

*Gentlemen of the Senate :*

I have the honor to state, for the information of the Senate, that on the 24th day of June, 1871, I appointed John W. Ray, of Marion county, Commissioner of the House of Refuge, to fill the vacancy occasioned by the death of Judson R. Osgood, and to serve for the unexpired portion of the term of the said Osgood, that is until March 1, 1875; also, that on said 24th day of June, 1871, I appointed Amos S. Evans, of Allen county, Commissioner of the House of Refuge, to succeed Hon. Alexander C. Downey, to serve for the full official term of the office, that is until March 1, 1877, and I respectfully ask that the appointments of the said John W. Ray and Amos S. Evans may be confirmed by the Senate.

Respectfully submitted,

CONRAD BAKER,

Governor.

*Gentlemen of the Senate :*

In compliance with the resolution [of the Senate of this date I herewith respectfully return Senate Bill No. 45.

CONRAD BAKER,

Governor.

Mr. Gregg moved to refer House Bill No. 8 to the Committee on Rights and Privileges of the inhabitants of the State.

Mr. Taylor rose to a privileged question, and offered the following :

WHEREAS, Senate Bill No. 45, being a bill entitled "An act to provide for the permanent enclosure of the Tippecanoe Battle Ground, and declaring it an emergency,"

Was amended in the Senate by striking out section No. 6. But the engrossed copy sent to the House of Representatives contained said 6th section as though it had been adopted as part of the bill by the Senate; and

WHEREAS, The House passed the bill with said 6th section therein, and the same has been enrolled accordingly thereto.

*Resolved.* That the House of Representatives be respectfully informed that the bill that passed the Senate is not the same as that that passed the House, by reason of its including said 6th section; and

that the House be requested to reconsider its action in the passage of said bill to the end that a correctly engrossed copy, as it passed the Senate, may be furnished the House for its consideration.

Which resolution was adopted.

Mr. Hall made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills direct me to report that they have carefully compared

Enrolled Act No. 119, House of Representatives. An act prescribing the manner of organizing the two Houses of the General Assembly, and find it correctly enrolled.

Message from the House, by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed House bills, to wit :

Engrossed House Bill No. 136. A bill to amend section six hundred and forty-seven of an act entitled "An act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the Courts of this State, etc."

Engrossed House Bill No. 56. A bill authorizing the appropriation of money out of the State treasury for the use of Indiana University, located at Bloomington, Monroe county.

I am also directed by the Speaker of the House to inform the Senate that he has signed the following Enrolled Act of the House, to wit :

Enrolled Act No. 119, House of Representatives. An act in relation to organizing the two Houses of the General Assembly and defining certain duties of certain officers in relation thereto, and declaring an emergency.

And the same is herewith submitted to the Senate for the signature of the President thereof.



I am also directed to inform the Senate that the House has reconsidered its vote by which Senate Bill No. 45 passed the House, at the request of the Senate.

Also, I am directed by the House of Representatives to inform the Senate that the House has passed the following Engrossed Bill of the Senate, to wit:

Senate Bill No. 45. A bill to provide for the permanent enclosure of the Tippecanoe Battle Grounds.

And the same is herewith returned to the Senate.

By unanimous consent, Mr. Slater presented a petition praying for the passage of a law prohibiting hunting over the lands of another, etc.

Which was considered with the pending question.

The question being on the motion to refer House Bill No. 8,

Mr. Daggy moved to lay the motion on the table.

Messrs. Daggy and Glessner demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Daggy,	Neff,
Beeson,	Friedley, of Scott,	Oliver,
Beggs,	Glessner,	Orr,
Bird,	Gooding,	Ringo,
Boone,	Gregg,	Sarnighausen,
Bowman,	Haworth,	Scott,
Carnahan,	Hough,	Taylor,
Chapman,	Hubbard,	Wadge,
Collett,	Miller,	Williams—27.

*Those who voted in the negative were, Messrs.*

Brown,	Harney,	Smith,
Bunyan,	Howard,	Steele,
Cave,	O'Brien,	Stroud,
Dwiggins,	Rosebrugh,	Winterbotham,
Francisco,	Slater	Mr. President—17.
Hall,	Sleeth,	

So the motion to lay on the table was agreed to.

Mr. Collett, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills respectfully report that they have examined and compared Senate Bill No. 45, entitled an act to provide for the permanent enclosure of the Tippecanoe Battle Ground, and declaring an emergency, and find it correctly enrolled.

Message from the House by Mr. Nixon, the Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate he has signed Enrolled Act of the Senate No. 45, entitled "An act to provide for the permanent inclosure of the Tippecanoe Battle Ground," and declaring an emergency.

The question being on the adoption of the amendment to House Bill No. 8.

Mr. O'Brien moved to lay the bill with pending amendments on the table.

Mr. Williams demanded a division of the question.

The question being on laying the bill on the table,

It was not agreed to.

Mr. Gregg withdrew his amendment.

Mr. Brown offered the following amendment :

Amend line three by inserting after the word "persons," the words "who shall be guilty of" and strike out the words "found" in said line.

Amend line four by inserting after the word "with" the words "a dog or."

Amend line five by inserting after the word "fire-arms" the words "or fire-arms."

Amend line four by inserting the words " hunting or."

Which amendments were severally agreed to.

Mr. Brown offered the following additional amendment: " Strike out the proviso " to the first section.

Which was not adopted.

Mr. Brown moved to amend the " proviso " by inserting the words " without consent of."

Mr. Gooding moved to refer the bill and amendments to the committee on the judiciary.

Mr. Steele moved that the Senate do now adjourn.

Which was not agreed to.

Mr. Gregg offered the following amendment.

Amend by adding " any person or persons, who shall trespass upon inclosed lands of another, by walking through or over the same without license, after being notified of the objection of the owner or occupant of said lands, either personally or by notice properly posted, to the number of three or more to any one inclosure, the posting of which shall be equivalent to personal notice, shall be deemed guilty of a malicious trespass, and on conviction thereof shall be punished as in other cases of malicious trespass."

Mr. Rosebrugh offered the following:

Amend the first section by inserting after the words " occupant thereof," the following, " provided that such owner or occupant shall have given due notice to the public, warning all persons not to hunt upon said inclosure, by posting notices, not less than three, in three public places upon said premises."

Mr. O'Brein offered the following:

Amend section — by adding the following: " *Provided*, That no person shall be liable to the penalties of this section unless they have by wilfulness or negligence been guilty of actual trespass.

Mr. Rhodes offered the following:

"If any person shall enter upon the inclosed premises of another, without first obtaining permission therefrom for the purpose of hunting, and shall cause any damage to the stock on such premises, he shall, on conviction, be fined in a sum not less than double the damage done to such stock.

The question recurring on Mr. Gooding's motion to refer the bill with pending amendments to the committee on the judiciary, with instructions to report to-morrow morning at 10 o'clock.

It was agreed to.

Mr. Steele moved that the Senate take a recess till 2 o'clock P. M.

Which was agreed to.

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#### AFTERNOON SESSION.

The Senate re-assembled at 2 o'clock P. M.

The President being absent the Senate was called to order by the Secretary.

On motion, by Mr. Taylor,

Mr. Dwiggins was called to the chair.

Mr. O'Brien moved to suspend the order of business and take up House Bill No. 90.

Which was agreed to.

House Bill No. 90. A bill touching public squares in towns laid out, platted and recorded with a public square not specifically dedicated to a particular object, and matters therein mentioned.

Was read a first time.

Mr. O'Brien moved that the constitutional rule requiring that bills

be read on three several days be suspended, and the bill may be read a second and third time now.

The ayes and noes being taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Friedley,	Rhodes,
Beeson,	Glessner,	Ringo,
Bird,	Gooding,	Rosebrugh,
Beggs,	Gregg,	Sarnighausen,
Boone,	Hall,	Scott,
Bowman,	Harney,	Slater,
Bunyan,	Hough,	Steele,
Carnahan,	Howard,	Stroud,
Chapman,	Hubbard,	Taylor,
Collett,	Neff,	Wadge,
Daggy,	O'Brien,	Williams,
Dwiggins,	Oliver,	Winterbotham—38.
Francisco,	Orr,	

No Senator voting in the negative.

So the rule was suspended and the bill read a second and third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Glessner,	Rhodes,
Beeson,	Gooding,	Ringo,
Beggs,	Gregg,	Rosebrugh,
Bird,	Hall,	Sarnighausen,
Boone,	Harney,	Scott,
Bowman,	Haworth,	Slater,
Bunyan,	Hough,	Smith,
Carnahan,	Howard,	Steele,
Cave,	Hubbard,	Stroud,
Chapman,	Miller,	Taylor,
Collett,	Neff,	Wadge,
Daggy,	O'Brien,	Williams,
Dwiggins,	Oliver,	Winterbotham,
Francisco,	Orr,	Mr. President—43.
Friedley,		

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of the bill.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill, to wit:

Engrossed House Bill No. 185. A bill to legalize the official acts of the Board of Trustees of the Town of Huntingburgh, in Dubois County, Indiana, etc.

Engrossed Senate Bill No. 87. A bill granting the consent of the State of Indiana to the purchase by the United States of certain lands for the purpose of erection of a public building at Evansville, and ceding jurisdiction over the same.

And the same are herewith transmitted to the Senate.

On motion by Mr. Steele, the message of the Governor, transmitted to the Senate this morning, notifying the Senate of the appointment of John W. Ray, Esq. in place of Judson R. Osgood, and Amos L. Evans in place of Hon. A. C. Downey, as Commissioners of the House of Refuge, was taken up, and on his motion the Senate consented to ratify said appointments.

Mr. Oliver moved that the order of business be suspended to take up Senate Bill No. 151.

Which was agreed to.

Senate Bill No. 151. An act to amend the first section of an act entitled, "An act for the incorporation of manufactories and mining companies, and companies for mechanical, chemical and building purposes," approved May 20th, 1852, so as to provide for the in-

corporation of companies to furnish motive power to carry on such business or to supply any city or village with water. Approved March 11th, 1861, so as to authorize and provide for the incorporation of Union Stock Yard and Transit Companies; and also to authorize and provide for the incorporation of Grain Elevator Companies, and legalizing the incorporation of any Grain Elevator Companies already formed or attempted to be formed under the act to which this is an amendment, and declaring an emergency.

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were Messrs.*

Beardsley,	Friedley,	Rhodes,
Beeson,	Glessner,	Ringo,
Beggs,	Gooding,	Rosebrugh,
Bird,	Gregg,	Sarnighausen,
Boone,	Hall,	Scott,
Bowman,	Harney,	Slater,
Bunyan,	Hough,	Steele,
Carnahan,	Howard,	Stroud,
Chapman,	Hubbard,	Taylor,
Collett,	Neff,	Wadge,
Daggy,	O'Brin,	Williams,
Dwiggins,	Oliver,	Mr. President—38.
Francisco,	Orr,	

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of the bill.

Mr. Williams moved to suspend the order of business and take up House Bill No. 95.

Which was agreed to.

Engrossed House Bill No. 95. A bill authorizing cities and towns incorporated under the authority of the State of Indiana, to make and adopt a survey and plat thereof when there is not sufficient survey and plat thereof, and to authorize such cities and towns to adopt any survey and plat thereof already made, and declaring an emergency.

Was read a second time.

Mr. Williams moved that the constitutional rule, requiring that bills be read on three several days, be suspended and the bill be read a third time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were Messrs.*

Beardsley,	Glessner,	Rhodes,
Beeson,	Gooding,	Ringo,
Boone,	Gregg,	Rosebrugh,
Bird,	Hall,	Sarnighausen,
Bowman,	Harney,	Scott,
Brown,	Haworth,	Slater,
Bunyan,	Hough,	Smith,
Carnahan,	Howard,	Steele,
Collett,	Hubbard,	Stroud,
Chapman,	Miller,	Taylor,
Daggy,	Neff,	Wadge,
Dwiggins,	O'Brien,	Williams,
Francisco,	Oliver,	Winterbotham,
Friedley,	Orr,	Mr. President—42

No Senator voting in the negative.

So the rule was suspended and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Boone,	Cave,
Beeson,	Bowman,	Chapman,
Beggs,	Bunyan,	Collett,
Bird,	Carnahan,	Daggy,



Dwiggins,	Hubbard,	Scott,
Francisco,	Miller,	Slater,
Friedley,	Neff,	Smith,
Glessner,	O'Brien,	Steele,
Gregg,	Oliver,	Stroud,
Hall,	Orr,	Taylor,
Harney,	Rhodes,	Wadge
Haworth,	Ringo,	Williams,
Hough,	Rosebrugh,	Winterbotham,
Howard,	Sarnighausen,	Mr. President—42.

Mr. Sleeth voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of the bill.

Mr. Beeson moved that the order of business be suspended to take up House Bill No. 172.

Which was agreed to.

House Bill No. 172. A bill to fix the time of holding the term of the Common Pleas Court in the several counties composing the Sixth Judicial District, the duration of such term, and repealing all laws in conflict therewith.

Was read a second time.

Mr. Beeson moved to suspend the constitutional rule requiring that bills be read on three several days, and that the bill be read a third time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Beggs,	Boone,
Beeson,	Bird,	Bowman,

Bunyan,	Hall,	Ringo,
Carnahan,	Harney,	Rosebrugh,
Cave,	Haworth,	Sarnighausen,
Chapman,	Hough,	Scott,
Collett,	Howard,	Slater,
Daugherty,	Hubbard,	Smith,
Dittemore,	Miller,	Steele,
Dwiggins,	Neff,	Stroud,
Francisco,	O'Brien,	Taylor,
Friedley,	Oliver,	Wadge,
Glessner,	Orr,	Williams,
Gooding,	Rhodes,	Winterbotham—43.
Gregg,		

No Senator voting in the negative.

So the rule was suspended and the bill read a third time.

The question being, shall the bill pass ?

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Friedley, of Scott,	Rhodes,
Beeson,	Glessner,	Ringo,
Beggs,	Gooding,	Rosebrugh,
Bird,	Hall,	Sarnighausen,
Boone,	Harney,	Scott,
Bowman,	Haworth,	Slater,
Brown,	Hough,	Sleeth,
Bunyan,	Howard,	Smith,
Carnahan,	Hubbard,	Stroud,
Cave,	Miller,	Taylor, †
Chapman,	Neff,	Wadge,
Collettt,	O'Brien,	Williams,
Daggy,	Oliver,	Winterbotham,
Dwiggins,	Orr,	Mr. President—44.
Francisco,		

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of the bill.

Mr. Dittamore was granted indefinite leave of absence.

On motion of Mr. Sleeth,

Mr. Neff was granted leave of absence for the remainder of the day.

Mr. Scott, from the committee on education, made the following report.

MR. PRESIDENT:

The committee on education, to whom was referred Senate Bill No. 150, An act to legalize the collection of taxes levied by the school trustees of incorporated cities for tuition purposes, etc., have had the same under advisement, and have directed me to report the same back to the Senate with a recommendation that the same do pass.

Which report was concurred in.

Mr. Wadge from select committee, made the following report:

MR. PRESIDENT:

The committee to whom was referred the communication of the Attorney General, in relation to the Calumet Dam, have had the same under advisement and recommend the passage of the accompanying concurrent resolution.

*Be it Resolved, by the Senate, the House of Representatives, concurring therein*, That the Attorney General be, and he is hereby directed and authorized, to take all proper steps that he may deem advisable to procure the removal of the dam across the Calumet River at Blue Island, in the State of Illinois.

*Be it further Resolved*, That the Governor be and is hereby

authorized to pay out of the contingent fund, such expenses as may be incurred by the Attorney General in carrying out the objects of this resolution.

The question being on the adoption of the resolution,

It was agreed to.

Mr. Gooding moved that the order of business be suspended, and that the Senate take up House Bill No. 113.

Which was agreed to.

Engrossed House Bill No. 113. A bill to amend section 2, of an act entitled "An act to amend sections 4 and 7, of an act to provide for the election, fixing the compensation and prescribing the duties of the Attorney General of the State of Indiana," approved June 3, 1861.

Was read a first time.

Mr. Gooding moved that the Constitutional rule requiring bills to be read on three several days, be suspended, and the bill read a second and third time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Beeson,	Haworth,	Scott,
Brown,	Hough,	Sleeth,
Cave,	Howard,	Steele,
Chapman,	Hubbard,	Wadge,
Collett,	Oliver,	Williams.
Dwiggins,	Orr,	Mr. President—19.
Gooding,		

*Those who voted in the negative were, Messrs.*

Beardsley,	Daggy,	Ringo,
Beggs,	Francisco,	Rosebrugh,
Bird,	Friedley,	Sarnighausen,
Boone,	Hall,	Slater,
Bowman,	Miller,	Smith,
Bunyan,	O'Brien,	Stroud,
Carnahan,	Rhodes,	Winterbotham—21.

So the rule was not suspended.

Mr. Harney moved to suspend the order of business and take up Senate Bill No. 150.

Which was agreed to.

Senate Bill No. 150. A bill to legalize taxes heretofore levied for the purpose of tuition by the school trustees of any of the incorporated cities of this State, and authorizing the collection of the same, and declaring an emergency,

Was read a second time.

Mr. Harney moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill read a third time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Freidley,	Orr,
Beeson,	Glessner,	Rhodes,
Beggs,	Gooding,	Ringo,
Bird,	Gregg,	Rosebrugh,
Boone,	Hall,	Sarnighausen,
Bowman,	Harney,	Sleeth,
Brown,	Haworth,	Smith,
Bunyan,	Hough,	Steele,
Carnahan,	Howard,	Stroud,
Cave,	Hubbard,	Taylor,
Chapman,	Miller,	Williams,
Daggy,	Neff,	Winterbotham,
Dwiggins,	O'Brien,	Mr. President.—41.
Francisco,	Oliver,	

No Senator voting in the negative.

So the rule was suspended and the bill read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Francisco,	Rhodes,
Beeson,	Friedley,	Ringo,
Beggs,	Glessner,	Rosebrugh,
Bird,	Gregg,	Sarnighausen,
Boone,	Hall,	Scott,
Bowman,	Harney,	Slater,
Brown,	Haworth,	Sleeth,
Bunyan,	Hough,	Smith,
Carnahan,	Howard,	Stroud,
Cave,	Miller,	Taylor,
Chapman,	O'Brien,	Wadge,
Daggy,	Oliver,	Williams,
Dwiggins,	Orr,	Winterbotham-39.

Mr. Steele and Mr. President voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of the bill.

Mr. Daggy moved to suspend the order of business and take up House Bill No. 227.

Which was agreed to.

House Bill No. 227. A bill providing for the payment to township trustees of all moneys which shall have been collected from townships for either general, special or specific purposes, except such moneys as may have been collected from townships for State and county revenue, and prescribing punishment of officers failing to comply with the requirements hereof, and repealing all laws inconsistent therewith.

Was read a second time.

Mr. Brown moved to refer the bill to the committee on the judiciary.

Mr. Daggy moved to amend by instructing the committee to report the bill back to-morrow morning.

Mr. Brown moved to lay the amendment on the table.

Which was agreed to.

The question recurring on referring the bill to the committee on the judiciary.

It was agreed to.

Mr. Beardsley moved to refer Engrossed House Bill No. 235, to the committee on the judiciary.

Which was agreed to.

Mr. Bunyan moved to suspend the order of business and take up House Bill No. 7.

Which was agreed to.

House Bill No. 7. A bill providing that justices of the peace shall have exclusive original jurisdiction in certain cases of misdemeanors, and repealing all acts in conflict with this act.

Was read a second time.

Mr. Sleeth offered the following amendment :

*Provided however,* That nothing herein contained shall be held or construed to change or effect the jurisdiction of any case now pending in any court of the State.

Which amendment was adopted.

The President announced that he had signed Enrolled House Act No. 119, and Enrolled Senate act No. 45.

Mr. Glessner moved to amend House Bill No. 7 as follows :

Strike out the word "does" in the seventh line, immediately after the word "law," and insert the word "can."

Which was adopted.

Message from the House, by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed to inform the Senate that the House passed the following concurrent resolution of the Senate, to wit:

*Be it resolved by the Senate, the House concurring therein, That the Attorney General be and he is hereby directed and authorized to take all proper steps that he may deem advisable to procure the removal of the dam across the Calumet river at Blue Island, in the State of Illinois.*

*Be it further resolved, That the Governor be and he is hereby authorized to pay out of the contingent fund such expenses as may be incurred by the Attorney General in carrying out the objects of this resolution.*

Mr. Bunyan moved that the constitutional rule requiring that bills be read on three several days be suspended, and House Bill No. 7 read a third time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were Messrs.*

Beardsley,	Dwiggins,	Orr,
Beeson,	Francisco,	Rhodes,
Beggs,	Friedley,	Ringo,
Bird,	Glessner,	Rosebrugh,
Boone,	Gooding,	Sarnighausen,
Bowman,	Gregg,	Scott,
Brown,	Harney,	Steele,
Bunyan,	Haworth,	Stroud,
Carnahan,	Hubbard,	Taylor,
Cave,	Miller,	Wadge,
Chapman,	Oliver,	Mr. President—34.
Daggy,		

*Those who voted in the negative were, Messrs.*

Slater,	Sleeth,	Winterbotham—3.
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So the rule was suspended and House Bill No. 7 read a third time.

On motion, by Mr. Bunyan,



The bill was recommitted to the committee on the judiciary.

On motion,

Senate Bill No. 161 was referred to the committee on the judiciary.

Mr. Collett, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills respectfully report that they have examined and compared enrolled Senate Act No. 40, entitled, "An act to amend section 2 of an act, entitled, 'an act concerning the organization and perpetuity of voluntary associations,'" and repealing an act, entitled, "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved July 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act, approved February 20, 1867, and declaring an emergency to exist, and find it correctly enrolled. But error of phrasology occurs in twenty-third line of second page, which, as the committee think the originator of the bill ought to look to. The word "our" was probably intended for "an."

Also, we have this day presented to the Governor, for his signature, Enrolled Senate Act No. 45, entitled, "an act to provide for the permanent enclosure of the Tippecanoe Battle Ground, and declaring an emergency."

Mr. Scott moved to suspend the order of business, and take up House Bill 148.

Which was agreed to.

House Bill No. 148. A bill defining certain felonies, and prescribing punishment therefor, compelling the testimony of parties engaged therein against others than themselves, declaring contracts with respect thereto void, and repealing all acts in conflict with this act.

Was read a first time.

Mr. Scott moved to suspend the constitutional rule requiring that bills be read on three several days, and read the bill a second time.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Glessner.	Ringo,
Beeson,	Gooding,	Sarnighausen,
Boone,	Gregg,	Scott,
Brown,	Hall,	Slater,
Bunyan,	Harney,	Sleeth,
Cave,	Haworth,	Smith,
Chapman,	Hough,	Steele,
Collett,	Hubbard,	Stroud
Daggy,	Miller,	Taylor,
Dittemore,	O'Brien,	Wadge,
Dwiggins,	Oliver,	Williams,
Francisco,	Orr,	Mr. President—37.
Friedley,	Rhodes,	

*Those who voted in the negative were, Messrs.*

Bird,	Cave,	Rosebrugh,
Bowman,	Howard,	Winterbotham—7.
Carnahan,		

So the rule was suspended and the bill read a second time.

Mr. Collett, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills report that they have presented to the Governor, for his approval, enrolled House Act No. 119, "An act in relation to organizing the two Houses of the General Assembly, and defining certain duties of certain officers in relation thereto."

Mr. Hall was granted leave of absence until Friday morning next.

Mr. Williams offered the following amendment to engrossed House Bill No. 148 :

Amend by adding: "Or any person holding any appointing power who shall receive any money for making any appointment, or any person who shall give any sum of money to procure said appointment shall be liable to the provisions of this law."

Which was adopted.

Mr. Rhodes offered the following amendment:

Amend the act as follows: Wherever the words "county, township or city" occur in the act, insert the word "town" after the word "township," making the words read "county, township, town or city."

Which was adopted.

Mr. Bunyan, from the committee on county and township business made the following report:

MR. PRESIDENT:

The committee on county and township business, to whom was referred Senate Bill No. 157, entitled "An act to authorize the purchase of stationery for the use of the county officers of this State, and the Circuit and Common Pleas, Superior and Criminal Courts, providing penalties for its violation, repealing all laws in conflict with this act, and declaring an emergency," have had the same under consideration, and recommend its passage, with the following amendments: First to insert section 6, which reads as follows:

SEC. 6. Between the taking effect of this act and the next regular or special session of the Board of Commissioners of the several counties, the county officers named herein are authorized to make such purchases of books and stationery for the use of their offices and for said courts as may be necessary until the meeting of such Boards, and at the first meeting of such Board after such purchase, such officer shall make report of the amount and kind of articles so purchased and the price paid or agreed to be paid therefor, and attach thereto his affidavit, as required by the fifth section of this act, and the Board shall allow said bill and order the same paid out of the treasury of said county.

That section 6 of the bill as it now stands be numbered 8.

Which report was concurred in.

The question being on the adoption of the amendment to House Bill 7.

Mr. Dwiggins moved to commit the bill with amendments to the committee on county and township business.

Which was agreed to.

Mr. Dwiggins moved to suspend the order of business and take up message from the House on Senate Bill No. 145.

Which was agreed to.

Mr. Dwiggins moved the Senate refuse to concur in the amendments of the House.

Which was agreed to.

And Messrs. Dwiggins and Slater appointed a committee of free-conference on said disagreement on Senate Bill No. 145.

Message from the House, by Mr. Nixon, the Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled act of the Senate, to wit:

Enrolled Senate Act No. 40. An act to amend section second of an act entitled "An act concerning the organization and perpetuity of voluntary associations," and repealing an act entitled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto, approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act, approved February 20, 1867, and declaring an emergency," and the same is herewith submitted to the Senate for the signature of the President thereof.

Mr. Steele, from the committee on finance, made the following report:

MR. PRESIDENT :

The committee on finance to whom was referred the resolution of the Senate, passed on the 5th instant, instructing said committee to prepare and report a bill at an early day authorizing the payment of the sum of \$170,333.02 due from the State to the school fund, and providing for the distribution thereof to the several counties of the State, beg leave to report that they have obeyed the instructions contained in the resolution by preparing such a bill as was contemplated by the resolution, said bill is entitled "An act to provide for the payment to the school fund of the several amounts due thereto from the State, and for the distribution thereof to the several counties, and is herewith respectfully submitted. Your committee can not, however, recommend the passage of the bill for the following reasons, viz.:

1st. The State Treasury is not and will not, prior to 1874, be in a condition to pay the money to the school fund.

2d. Your committee do not think it wise to scatter the school funds among the ninety-two counties of the State, as experience shows that under such circumstances the interest is not, and can not be promptly collected and distributed in support of common schools. The safety of the fund and the prompt collection of the interest should be paramount considerations in comparison with which the interest of a few favored borrowers in each county are unimportant. If the money is loaned to the State and a non-negotiable bond issued to the school fund, and the people share alike in the benefit of the law, and the interest is sure to be promptly collected and promptly applied. For these reasons the committee recommend that the bill be indefinitely postponed.

Which report was on motion by Mr. Steele, laid on the table.

Mr. Hubbard moved to suspend the order of business and take up Senate Bill No. 15.

Which was agreed to.

Senate Bill No. 15. A bill to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings, and pay debts contracted for the erection of school buildings, etc., etc.

Was read a second time.

Mr. Hubbard offered the following amendments:

Section one be amended by striking out the word "thirty" in the twenty-fifth line, and inserting in lieu thereof the word "forty."

Amend section 3 by inserting after the word "source" in the 23d line, these words, "persons residing outside of any such city or town, and electing to be transferred to such town or city for educational purposes, or who shall send their children to the school taught in any such building, shall, with their property, be liable to such tax as if they resided in such city or town; on all property owned by said person in the township where such city or town is located, and the same may be assessed by the proper officer of such city or town."

Which amendments were adopted and the bill ordered to be engrossed for a third reading to-morrow.

Mr. Scott moved to take up message from the House in regard to concurrent resolution of the House on plan of State House.

Which was agreed to, and concurrent resolution read as follows:

WHEREAS, The necessity exist for the building of a new State Capitol for the State of Indiana, and whereas it is the duty of the General Assembly of this State to use all due diligence and economy in the construction of all public buildings owned by the State, therefore be it,

*Resolved*, That the General Assembly of the State of Indiana do hereby offer and award the sum of one thousand dollars as a premium to any successful architect or architects who will or may offer and present to this General Assembly any plans and specifications that will be suitable and necessary for the construction of a new State Capital, and that such premium shall only be paid to such architect or architects whose plans and specifications may be finally adopted by this or any future General Assembly of this State; and be it further

*Resolved*, That a committee of five (5) members of this General Assembly be appointed, whereof three (3) of such members shall be from the House, and two (2) from the Senate, whose duty it shall be to correspond with the leading architects of this country; and this committee is hereby empowered to receive any and all such plans and specifications as may be presented to them, and that this committee hereafter present all such plans and specifications to this

General Assembly at or about the close of the next General Assembly, for their inspection. Provided, however, that the State shall not be liable to any person or persons for the payment of any plans and specifications so furnished, except for such plans and specifications, however, as may be finally adopted.

Which concurrent resolution was adopted.

Mr. Cave moved to suspend the order of business and take the message from the House on House Bill No. 185.

Which was agreed to.

Engrössed House Bill No. 185. A bill to legalize the official acts of the Board of Trustees of the town of Huntingburg, Dubois county, Indiana, and all other officers of said corporation under an act for the incorporation of towns, defining their powers, providing for the election of officers thereof and declaring their duties, approved June 11, 1852, and the by-laws, rules and regulations and proceedings adopted in pursuance thereof.

Was read a first time.

Mr. Winterbotham moved to suspend the order of business to take up House Joint Resolution No. 7.

Which was agreed to.

Engrössed House Joint Resolution No. 7. A joint resolution in relation to an appropriation of Congress for the completion of the harbor at Michigan City.

Was read a first time.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Cave,	Harney,
Beeson,	Chapman,	Haworth,
Bird,	Collett,	Hough,
Boone,	Dwiggins,	Howard,
Bowman,	Francisco,	Hubbard,
Brown,	Friedley,	Miller,
Bunyan,	Gooding,	O'Brien,
Carnahan,	Gregg,	Oliver,

Orr,	Scott,	Taylor,
Rhodes,	Slater,	Wadge,
Ringo,	Sleeth,	Williams,
Rosebrugh,	Smith,	Winterbotham,
Sarnighausen,	Stroud,	Mr. President—39.

No Senator voting in the negative.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution.

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of the joint resolution.

Mr. Brown moved to suspend the order of business and take up Senate Bill No. 147.

Which was agreed to.

Senate Bill No. 147. An act exempting certain personal property for sale on execution.

Was read a second time and referred to the committee on the judiciary.

Mr. Cave moved the constitutional rule requiring bills to be read on three several days be suspended and House Bill No. 185 be read a second and third time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Beeson,	Chapman,	Gregg,
Boone,	Collett,	Harney,
Bowman,	Daggy,	Haworth,
Brown,	Dwiggins,	Hough,
Bunyan,	Francisco,	Howard,
Carnahan,	Friedley,	Hubbard,
Cave,	Gooding,	Miller,



O'Brien,	Sarnighausen,	Stroud,
Oliver,	Scott,	Taylor,
Orr,	Slater,	Wadge,
Rhodes,	Sleeth,	Williams,
Ringo,	Smith,	Winterbotham,
Rosebrugh,	Steele,	Mr. President—39.

Mr. Bird voting in the negative.

So the rule was suspended and Engrossed House Bill No. 185 was read a second and third time.

The question being shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beeson,	Gooding,	Rosebrugh,
Boone,	Gregg,	Sarnighausen,
Brown,	Harney,	Scott,
Bowman,	Haworth,	Slater,
Bunyan,	Hough,	Sleeth,
Carnahan,	Howard,	Smith,
Cave,	Hubbard,	Steele,
Chapman,	Miller,	Stroud,
Collett,	Neff,	Taylor,
Daggy,	Oliver,	Wadge,
Dwiggins,	Orr,	Williams,
Francisco,	Rhodes,	Winterbotham,
Glessner,	Ringo,	Mr. President—39.

Mr. Bird voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of the bill.

The President announced that he had signed Enrolled Senate Act No. 40.

Mr. Dwiggins moved to suspend the order of business and take up House Bill No. 134.

Which was agreed to.

Engrossed House Bill No. 134. A bill to fix the time of holding Circuit Courts, and the length of the terms thereof, in the several counties comprising the Twelfth Judicial Circuit of the State of Indiana, and providing for the return of process thereto,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Friedley.	Ringo,
Beeson,	Glessner,	Rosebrugh,
Bird,	Gooding,	Sarnighausen,
Boone,	Gregg,	Scott,
Bowman,	Harney,	Slater,
Brown,	Haworth,	Sleeth,
Bunyan,	Hough,	Smith,
Carnahan,	Howard,	Steele,
Cave,	Hubbard,	Stroud,
Chapman,	Miller,	Taylor,
Collett,	Neff,	Wadge,
Daggy,	O'Brien,	Williams,
Dwiggins,	Oliver,	Winterbotham,
Francisco,	Orr,	Mr. President—42.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of the bill.

Mr. Slater offered the following:

*Resolved*, That the State Printer be authorized to bind in sheep and send to each member and elective officer of the Senate, three copies each of the Acts, the Journals of the House and Senate, and Documentary Journals and Brevier Reports of the present session of the General Assembly.

Which resolution was adopted.

On motion by Mr. Carnahan,  
The Senate adjourned.

## THURSDAY MORNING,

DECEMBER 19, 1872, 10 O'CLOCK.

The Senate met.

Prayer was made by Rev. Asbury, of the Ames M. E. Church.

On motion by Mr. O'Brien,

The reading of the Journal was dispensed with.

The committee on rights and privileges of the inhabitants of the State was, on motion by Mr. O'Brien, allowed to have 200 copies of a circular letter printed for the use of the committee in obtaining information from the several counties of the State.

Message from the House, by Mr. Nixon, clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following Engrossed Bills thereof, to wit:

Engrossed House Bill No. 167. "A bill to preserve the original manuscript Journals of the Senate and House of Representatives of the General Assembly, and prescribing a penalty for the destruction or mutilation thereof."

Engrossed House Bill No. 170. A bill to amend the 157th and 664th section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Engrossed House Bill No. 178. A Bill to amend section one of

an act entitled "An act to amend section seventy-seven, of an act entitled 'An act to revise, simplify and abridge the rules, practices, pleadings and forms in criminal actions in the courts of this State,'" approved June 17, 1852, approved December 20, 1865.

Engrossed House Bill No. 188. A bill to amend section 433, of an act entitled "An act to revise, simplify and abridge the rules, practices, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Engrossed House Bill No. 210. A bill to amend the twentieth section of an act approved May 13, 1869, and entitled "An act to establish a female prison and reformatory institution for girls and women, and to provide for the organization and government thereof," and making appropriation.

Engrossed House Bill No. 211. A bill supplemental to an act entitled "An act to establish a female prison and reformatory institution for girls and women, and to provide for the organization and government thereof, and making appropriations," approved May 13, 1869.

Engrossed House Bill No. 214. A bill to amend sections 25 and 26 of an act entitled "An act regulating descents and apportionment of estates," approved May 14, 1852.

Engrossed House Bill No. 218. A bill to amend section 208 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity," approved June 18, 1852.

Engrossed House Bill No. 3. A bill to amend section 4 of an act entitled "An act concerning the organization and perpetuity of voluntary associations, and repealing an act entitled "An act concerning the organizations of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855. And

repealing each act repealed by said act, and authorizing gifts and devises by will to be made to any corporation or purpose contemplated in the act.

Also, I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled act of the House, to wit:

Enrolled Act No. 95. Entitled "An act authorizing cities and towns incorporated under the authority of the State of Indiana, to make and adopt a survey and plat thereof, when there is no sufficient survey and plat thereof, and to authorize such cities and towns to adopt any survey and plat thereof already made, and declaring an emergency. And the same is herewith submitted to the Senate for the signature of the President thereof.

Mr. Sleeth, from the joint committee on enrolled bills made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills respectfully report that they have carefully compared Enrolled House Act No. 95, entitled, "An act authorizing cities and towns incorporated under the authority of the State of Indiana, to make and adopt a survey and plat thereof, when there are no sufficient survey and plat thereof, and to authorize such cities and towns to adopt any survey and plat thereof already made, and declaring an emergency," and find the same correctly enrolled.

By unanimous consent,

Mr. O'Brien, from the committee on organization of courts, made the following majority report:

MR. PRESIDENT:

The committee on the organization of courts to whom was referred House Bill No. 72, entitled "A bill in relation to Criminal Circuit Courts, and to create the Twenty-ninth (29th) Judicial Circuit, providing for the appointment and election of a Judge and Prosecuting Attorney therein, and providing compensation therefor, declaring the jurisdiction of said court and providing for a transfer of action

thereto," have had the same under consideration and a majority recommend that the bill do pass.

Mr. Glessner, from the committee on the organization of courts, made the following minority report:

MR. PRESIDENT :

The committee on the organization of courts, to whom was referred House Bill No. 72, entitled "A bill in relation to Criminal Circuit Courts and to create the Twenty-ninth (29th) Judicial Circuit, providing for the appointment of a Judge and Prosecuting Attorney therein, and providing compensation therefor, declaring the jurisdiction of said court, and providing for a transfer of actions thereto," have had the same under consideration, and a minority of the committee direct me to report to the Senate recommending that he bill do lie on the table.

The question being on concurring in the minority report of the committee.

Mr. Glessner moved to indefinitely postpone the majority and minority reports.

Mr. Brown moved to lay the reports on the table.

Messrs. Gregg and Cave demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beeson,	Glessner,	Rhodes,
Bird,	Harney,	Ringo,
Boone,	Haworth,	Sarnighausen,
Bowman,	Hough,	Sleeth,
Brown,	Howard,	Smith,
Bunyan,	Hubbard,	Taylor,
Carnahan,	Miller,	Williams,
Cave,	Neff,	Winterbotham,
Chapman,	O'Brien,	Mr. President—32.
Francisco,	Oliver,	
Friedley,	Orr,	

*Those who voted in the negative were, Messrs.*

Beardsley,	Gregg,	Slater,
Collett,	Rosebrugh,	Stroud,
Dwiggins,	Scott,	Thompson—9.

So the motion to lie on the table was agreed to.

Mr. Orr, by unanimous consent, made the following report :

MR. PRESIDENT:

The committee on county and township business, to whom was referred House Bill No. 148, entitled "A bill defining certain felonies and prescribing punishment therefor, compelling the testimony of parties engaged therein against others than themselves, declaring contracts, with respect thereto void, and repealing all laws in conflict with this act," have had the same under consideration, and beg leave to return the same to the Senate with the following amendments, to-wit :

Page one (1), line three (3), after the word "any," insert the words "State officer."

Page one (1), line four (4), after the word "township," insert the words "or town."

Page one (1), line five (5), after the word "any," insert the words "town or;" also in the same line, after the word "city," insert the words "their appointees or agents, or any person holding any appointing power."

Page one (1), line nine (9), after the word "office," insert the words "or hold such appointing powers."

Page two (2), line two (2), after the word "any," insert the words "State houses."

Page two (2), line five (5), after the word "of," insert the words "the State or;" also in the same line, after the word "township," insert the word "town;" also in the same line, after the word "State," insert the words "in which he exercises any official jurisdiction."

Page two (2), line seven (7), after the word "profit," insert the words "or money."



Page two (2), line ten (10), after the word "contract," insert the words "or making any appointment;" also in the same line, after the word "wherein," insert the words "the State or."

Page two (2), line eleven (11), after the word "township," insert the word "town."

Page three (3), line three (3), strike out the word "one," and insert the word "three."

Page three (3), line four (4), after the word "and," insert the words "to which may be added."

Page three (3), line ten (10), after the word "any," insert the words "State officer."

Page four (4), line one (1), after the word "township," insert the words "or town."

Page four (4), line four (4), after the word "officer," insert the words "or appointment or agency."

Page four (4), line seven (7), after the word "any," insert the words "State Houses."

Page four (4), line eleven (11), after the word "use," insert the words "of the State or;" also in the same line, after the word "or," insert the word "town."

Page five (5), line one (1), before the word "city" insert the word "or;" also, in same line, after the word "State" insert the words, "over which such person has any official jurisdiction."

Page five (5), line four (4), after the word "any" insert the word "money."

Page five (5), line eight (8), strike out the word "one" and insert the word "three."

Page five (5), line nine (9) after the word "and" insert the words "to which may be added."

Page six (6), line three (3), after the last word, "any" in said line, insert the words "State officer, or appointee or agent of the same or."

Page six (6), line four (4), after the word "township," insert the word "town;" also in the same line, after the word "city," insert the words "or appointee of the same."

Page six (6), line six (6), after the word "said" insert the word "State;" also in same line, after the word "township," insert the word "town."

Page six (6), line seven (7), after the word "thereof," insert the words "or appointees or agent therein named."

And when so amended, the committee recommend its passage.

Which report was concurred in.

Mr. Cave moved to suspend the order of business to enable him to offer a resolution.

Which motion was agreed to.

Thereupon Mr. Cave offered the following:

WHEREAS, House Bill No. 257 passed the Senate on Tuesday last under a misapprehension of facts on the part of many Senators; which bill is now in the hands of the Governor for his signature and approval.

*Therefore Resolved by the Senate,* That the Governor be requested to return said bill to the Senate before he approves the same, so that the bill, if proven to be ill advised, may be properly amended before it becomes a law.

Mr. Dwiggins moved to lay the resolution on the table.

The question being on the motion by Mr. Dwiggins,

Messrs. Williams and Cave demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beeson,	Gooding,	Orr,
Brown,	Haworth,	Scott,
Bunyan,	Hough,	Sleeth,
Chapman,	Howard,	Steele,
Collett,	Hubbard,	Taylor,
Daggy,	O'Brien,	Thompson,
Dwiggins,	Oliver,	Wadge—22.
Friedley,		

*Those who voted in the negative were, Messrs.*

Beardsley,	Francisco,	Rosebrugh,
Bird,	Glessner,	Slater,
Boone,	Gregg,	Stroud,
Bowman,	Miller,	Williams,
Carnahan,	Harney,	Winterbotham,
Cave,	Ringo,	Mr. President—10.

So the motion to lay on the table was agreed to.

Mr. O'Brien, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the claim of Charles Stagg for \$1,344, have had the same under consideration and report the same back, with a recommendation that he be allowed the sum of \$880.

Mr. Williams offered the following amendment:

Add thereto, "and be incorporated in the specific appropriation bill."

Which was agreed to.

The question being on concurring in the report of the committee as amended.

It was agreed to.

Mr. Armstrong was granted leave of absence for the remainder of the session on account of sickness.

Mr. Chapman, by unanimous consent, introduced

Senate Bill No. 165. A bill to regulate certain matters of legislative practice in the two Houses of the General Assembly of the State of Indiana.

Was read a first time.

Mr. Chapman moved that the constitutional rule requiring bills  
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to be read on three several days be suspended that the bill may be read a second and third time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Gooding,	Rosebrugh,
Beeson,	Gregg,	Sarnighausen,
Bowman,	Haworth,	Scott,
Brown,	Hough,	Slater,
Bunyan,	Howard,	Sleeth,
Carnahan,	Hubbard,	Smith,
Chapman,	Miller,	Stroud,
Collett,	Neff,	Taylor,
Daggy,	Oliver,	Thompson,
Dwiggins,	Orr,	Wadge,
Francisco,	Rhodes,	Winterbotham,
Friedley,	Ringo,	Mr. President—36.

Messrs. Bird and Boone voting in the negative.

So the rule was suspended, and Senate Bill No. 165 was read a second time.

Mr. Chapman moved that the bill be considered engrossed.

It was so ordered.

Engrossed Senate Bill No. 165. A bill to regulate certain matters of legislative practice in the two Houses of the General Assembly of the State of Indiana.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beeson,	Cave,	Glessner,
Bird,	Chapman,	Gooding,
Boone,	Collett,	Haworth,
Bowman,	Daggy,	Hough,
Bunyan,	Dwiggins,	Howard,
Carnahan,	Francisco,	Hubbard,

Miller,	Ringo,	Smith,
Neff,	Rosebrugh,	Stroud,
O'Brien,	Sarnighausen,	Taylor,
Oliver,	Scott,	Thompson,
Orr,	Slater,	Winterbotham,
Rhodes,	Sleeth,	Mr. President—36.

No Senator voting in negative.

So the bill passed.

The question being shall the title as read, stand as the title of the bill ?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of the bill.

Mr. Rhodes, from the committee on fees and salaries, made the following report :

MR. PRESIDENT :

The committee on fees and salaries, to whom was referred Senate Bill No. 25, entitled "An act to repeal an act entitled 'An act regulating the fees, salaries and duties of certain officers therein named, and prescribing penalties for the violation of its provisions, and to revise all laws repealed thereby, and declaring an emergency,'" have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that the bill do lie on the table.

Which report was concurred in.

Mr. Scott moved that the order of business be suspended so as to enable him to introduce a bill.

Which motion was agreed to.

Thereupon Mr. Scott introduced

Senate Bill No. 166, entitled "An act regulating the sale of county property and the letting of public buildings and bridges."

Was read a first time.

Mr. Scott moved that the constitutional rule requiring bills to be read on three several days be suspended, that the bill may be read a second and third time.

Mr. Slater moved that the Senate do now take a recess until 2 o'clock P. M.

Which motion was agreed to.

#### AFTERNOON SESSION.

The Senate re-assembled at 2 o'clock.

The question pending on the adjournment was on the motion to suspend the constitutional rule, so as to read Senate Bill No. 166 a second and third time.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Glessner,	Ringo,
Beeson,	Gooding,	Sarnighausen,
Beggs,	Harney,	Scott,
Bird,	Haworth,	Sleeth,
Boone,	Hough,	Smith,
Brown,	Howard,	Steele,
Bunyan,	Hubbard,	Stroud,
Carnahan,	Miller,	Taylor,
Collett,	Neff,	Thompson,
Daggy,	O'Brien,	Wadge,
Dwiggins,	Orr,	Mr. President—35.
Friedley,	Rhodes,	

*Those who voted in the negative were, Messrs.*

Cave,	Williams,	Winterbotham—4.
Slater		

So the rule was suspended.

Senate Bill No. 166. An act regulating the sale of county property and the letting of public buildings and bridges.

Was read a second time.

Mr. Smith offered the following :

Amend the bill so as to include "public fences and monuments."

It was agreed to.

Mr. Dwiggins moved to amend the second section by adding the following :

"*Provided*, That this section shall not apply to bridges, buildings or fences where the cost of the same shall not exceed five hundred dollars."

Which amendment was adopted.

Mr. Dwiggins moved to amend as follows :

Strike out the words "ninety days" and insert the words "six weeks."

Which amendment was agreed to.

Mr. Scott moved that the bill be considered as engrossed, so as to be read a third time now.

It was agreed to.

Engrossed Senate Bill 166. An act regulating the sale of county property and the letting of public buildings and bridges.

Was read a third time.

Mr. Scott, by unanimous consent, offered the following amendment.

"Be it enacted by the General Assembly of the State of Indiana."

Which amendment was adopted.

The question being shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Glessner,	Sarnighausen,
Beeson,	Gooding,	Scott,
Beggs,	Gregg,	Slater,
Bird,	Harney,	Sleeth,
Boone,	Haworth,	Smith,
Brown,	Hough,	Steele,
Bunyan,	Howard,	Stroud,
Carnahan,	Hubbard,	Taylor,
Chapman,	Miller,	Thompson,
Collett,	Neff,	Wadge,
Daggy,	O'Brien,	Williams,
Dwiggins,	Orr,	Winterbotham,
Francisco,	Rhodes,	Mr. President—41.
Friedley,	Ringo,	

Mr. Cave voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Scott moved to amend by adding the words "fences and monuments, and declaring an emergency."

Which was agreed to.

The question being, shall the title as amended stand as the title of the bill.

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of the bill.

Mr. Collett, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills respectfully report that they have this day presented to the Governor for his signature and approval,



Enrolled House Act No. 95, entitled an act authorizing cities and towns, incorporated under the authority of the State of Indiana, to make and adopt a survey and plat thereof when there is no sufficient survey and plot thereof, and to authorize such cities and towns to adopt any survey and plat thereof already made, etc.

Mr. Collett, from the committee on enrolled bills, made the following report :

MR. PRESIDENT :

The committee on enrolled bills respectfully report that they have this day presented to the Governor for his signature and approval, enrolled Senate Act No. 40, entitled "An act to amend section second of an act entitled 'An act concerning the organization and perpetuity of voluntary associations, and repealing former laws in reference thereto,'" approved February 12, 1855, &c.

Mr. Gregg moved to suspend the order of business so as to enable him to offer a joint resolution.

Which was agreed to.

Thereupon Mr. Gregg introduced

Senate joint resolution No. 3, entitled a joint resolution instructing our Senators in Congress to support an act pending in the Senate of the United States :

WHEREAS, The House of Representatives of the United States have passed an act entitled "An act to enable honorably discharged soldiers and sailors, their widows and orphan children to acquire homesteads on the public lands of the United States.

AND WHEREAS, Said act is now pending in the Senate of the United States, therefore,

*Be it resolved by the General Assembly of the State of Indiana,* That our Senators in Congress be instructed to vote for, and to make all proper exertions to procure the passage of said act through the Senate of the United States.

*Resolved,* That his Excellency the Governor be requested to

transmit a copy of this joint resolution to each of our Senators in Congress.

Was read a first time.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Glessner,	Ringo,
Beeson,	Gooding,	Rosebrugh,
Beggs,	Gregg,	Sarnighausen,
Bird,	Harney,	Scott,
Boone,	Haworth,	Slater,
Brown,	Hough,	Smith,
Bunyan,	Howard,	Steele,
Carnahan,	Hubbard,	Stroud,
Cave,	Miller,	Taylor,
Chapman,	Neff,	Thompson,
Collett,	O'Brien,	Wadge,
Daggy,	Oliver,	Williams,
Dwiggins,	Orr,	Winterbotham,
Francisco,	Rhodes,	Mr. President—43.
Friedley, of Scott,		

No Senator voting in the negative.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution?

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of the joint resolution.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following Engrossed Senate Bill, to wit:

Engrossed Senate Bill No. 146, entitled, "A bill to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State, and declaring an emergency."

To which the House has passed the following engrossed amendments, herewith :

Engrossed amendments of the House of Representatives to Senate Bill No. 146:

Amend at page three (3), line four (4), by striking out the word "and" before the word "Jennings," and by inserting the words "and Decatur" after the word "Jennings."

Amend at page three (3), line ten (10), by striking out the word "Morgan" and inserting the word "Shelby" before the words "and Johnson."

Amend at page five (5), line one (1), by inserting the word "Allen" before the word "Adams" in said line.

Amend at page five (5), line six (6), by striking out the words "and Clinton," and by inserting the word "and" before the word "Tipton."

Amend at page five (5) line seven (7), by inserting the words "and Clinton" after the word "Boone."

Amend at page five (5), line twelve (12), by striking out the word "and" before the word "Union," and by inserting the words "and Rush" after the word "Union."

Amend at page six (6), line two (2), by striking out the word "Shelby," and by inserting in lieu thereof the word "Morgan."

Amend at page eight (8), line seven (7), by striking out the word "Decatur" after the word "and," and by inserting in lieu thereof the word "Jefferson."

Amend at page eight (8), line nine (9), by striking out the words "and Jefferson," and by inserting in lieu thereof the words "Decatur and Rush."

Amend at page ten (10), line eight (8), by striking out the words "and Starke."

Amend at page ten (10), line nine (9), by inserting after the word "Marshall" the words "and St. Joseph."

Amend at page ten (10), line eleven (11), by striking out the word "and" before the word "Pulaski," and by inserting after the word "Pulaski" the words "and Starke."

Amend at page eleven (11), line twelve (12), by inserting the words "and Blackford" after the word "Grant."

Amend at page twelve (12), line one (1), by striking out the word "Jay" and inserting the word "Grant," in lieu thereof.

Amend at page thirteen (13), line one (1), by striking out the word "Blackford" before the words "and Delaware," and by inserting the word "Jay" in lieu thereof.

Amend at page fourteen (14), line two (2), by striking out the word "St. Joseph" and by inserting the word "Marshall" in lieu thereof, and respectfully ask the concurrence of the Senate in said amendments.

Mr. Dwiggins moved to take up the message from the House, reporting the action of the House on Senate Bill No. 146.

Messrs. Gregg and Slater demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Gooding,	Orr,
Beeson,	Haworth,	Rhodes,
Brown,	Hough,	Scott,
Bunyan,	Howard,	Sleeth,
Chapman,	Hubbard,	Steele,
Collett,	Miller,	Taylor,
Daggy,	Neff,	Thompson,
Dwiggins,	O'Brien,	Wadge,
Friedley,	Oliver,	Mr. President—27.

*Those who voted in the negative were, Messrs.*

Beggs,	Bowman,	Francisco,
Bird,	Carnahan,	Glessner,
Boone,	Cave,	Gregg,

Harney,	Sarnighausen,	Stroud,
Ringo,	Slater,	Williams,
Rosebrugh,	Smith,*	Winterbotham—18.

So the motion by Mr. Dwiggins was agreed to.

Mr. Dwiggins moved that the Senate concur in the amendments of the House to Senate Bill No. 146, and upon that motion demanded the previous question.

Mr. Williams demanded a call of the Senate.

The President decided the motion out of order.

Pending the demand for the previous question thereupon,

Messrs. Williams and Carnahan appealed from the decision of the chair, and sent up the following appeal:

Mr. Dwiggins having made a demand for the previous question on the bill to apportion the State for Senatorial and Legislative purposes, Mr. Williams made a demand for a call of the Senate, which was decided out of order by the chair. Therefore we appeal from the decision of the chair.

[Signed,]

J. D. WILLIAMS,  
M. T. CARNAHAN.

The question being, shall the decision of the chair stand as the judgment of the Senate?

Mr. Brown moved to lay the appeal on the table.

Messrs. Brown and Williams demanded the ayes and noes.

*Those who voted in the affirmative, were, Messrs.*

Beardsley,	Daggy,	Howard,
Beeson,	Dwiggins,	Hubbard,
Brown,	Friedley,	Miller,
Bunyan,	Gooding,	Neff,
Chapman,	Haworth,	O'Brien,
Collett,	Hough,	Oliver,

Orr,	Sleeth,	Thompson,
Rhodes,	Steele,	Wadge,
Scott,	Taylor,	Mr. President.—27.

*Those who voted in the negative were, Messrs.*

Beggs,	Francisco,	Sarnighausen,
Bird,	Glessner,	Slater,
Boone,	Gregg,	Stroud,
Bowman,	Harney,	Williams,
Carnahan,	Ringo,	Winterbotham—17.
Cave,	Rosebrugh,	

So the motion to lay on the table prevailed.

The question being on seconding the demand for the previous question, Messrs. Gregg and Slater demanded the ayes and noes.

*Those who voted in the affirmative were Messrs.*

Beardsley,	Gooding,	Orr,
Beeson,	Haworth,	Rhodes,
Brown,	Hough,	Scott,
Bunyan,	Howard,	Sleeth,
Chapman,	Hubbard,	Steele,
Collett,	Miller,	Taylor,
Daggy,	Neff,	Thompson,
Dwiggins,	O'Brien,	Wadge,
Friedley,	Oliver,	Mr. President—27.

*Those who voted in the negative were, Messrs.*

Beggs,	Francisco,	Sarnighausen,
Bird,	Glessner,	Slater,
Boone,	Gregg,	Smith,
Bowman,	Harney,	Stroud,
Carnahan,	Ringo,	Williams,
Cave,	Rosebrugh,	Winterbotham—18

So the previous question was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being on concurring in the amendments of the House to Senate Bill No. 146,

Messrs. Glessner and Cave demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Gooding,	Orr,
Beeson,	Haworth,	Rhodes,
Brown,	Hough,	Scott,
Bunyan,	Howard,	Sleeth,
Chapman,	Hubbard,	Steele,
Collett,	Miller,	Taylor,
Daggy,	Neff,	Thompson,
Dwiggins,	O'Brien,	Wadge,
Friedley,	Oliver,	Mr. President—27.

*Those who voted in the negative were, Messrs.*

Beggs,	Francisco,	Sarnighausen,
Bird,	Glessner,	Slater,
Boone,	Gregg,	Smith,
Bowman,	Harney,	Stroud,
Carnahan,	Ringo,	Williams,
Cave,	Rosebrugh,	Winterbotham—18.

So the amendments were concurred in.

*Ordered,* That the Secretary inform the House thereof.

Mr. Neff, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the claim in favor of M. G Lee, for *Commercials* furnished at the last regular session of the Legislature, have had the same under consideration and recommend that the claimant be allowed \$30.00 and that the same be

referred to the committee on finance to be incorporated in the specific appropriation bill.

Which report was concurred in.

Mr. Neff, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the claim of T. A. Goodwin, of \$42.50, for copies of the *Indiana American*, furnished at the last regular session of the Legislature, have had the same under consideration and recommend that it be allowed and the same be referred to the finance committee that the same may go into the specific appropriation bill.

Which report was concurred in.

Mr. Neff, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the claims in favor of the Senate committee on prisons for actual expenses in making two trips to the Southern Prison to investigate the affairs of the same, at the last regular session of the Legislature, have had the same under consideration, and recommend that Senators Dittmore, Williams, Johnson, Wadge, Denbo and Robinson be allowed thirty dollars (\$30.00) each, and that the same be referred to the committee on finance, to be incorporated in the specific appropriation bill.

Which report was concurred in, and the claims referred to the committee on finance.

Mr. Neff, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the claim in favor of Senators Dittmore, Hadley, Daugherty and Hamilton for thirty dollars (\$30.00) each, for their expenses incurred in going to Day-



ton, Ohio, as the military committee at the last regular session of the Legislature, have had the same under consideration, and return the same to the Senate and recommend that it be allowed, and that the claim be referred to the finance committee to be incorporated in the specific appropriation bill.

Which report was concurred in, and the claim referred to the committee on finance.

Mr. Néff, from the committee on claims, made the following report :

MR. PRESIDENT :

The committee on claims, to whom was referred a claim in favor of Eliza Blake, for services and expenses of her deceased husband as a commissioner of the Gettysburg Monument and Cemetery Association, have had the same under consideration, and find that the same claim has been allowed by the House, and therefore they recommend that it be laid on the table.

Which report was concurred in.

Mr. Beeson moved to suspend the order of business and take up House Bill No. 211.

Which motion was agreed to.

Engrossed House Bill No. 211. Entitled a bill supplemental to an act, entitled "An act to establish a female prison and reformatory institution for girls and women, and to provide for the organization and government thereof, and making appropriations," approved May 13, 1869,

Was read a first time.

Mr. Carnahan, from the committee on corporations, made the following report

MR. PRESIDENT :

A majority of the committee on corporations would respectfully report, that they have taken under consideration, Senate Bill No. 122, entitled "An act to legalize in certain cases and under certain con-

ditions, appropriations made by Board of County Commissioners, to aid in building railroads, previous to the 12th day of May, 1869, and where the appropriations were made without the authority of law, and declaring an emergency," and recommend its passage.

Which report was concurred in.

Mr. Beeson moved that the Constitutional rule, requiring bills to be read on three several days be suspended, and House Bill No. 211 be read a second and third time now.

The ayes and noes being taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Beeson,	Haworth,	Rosebrugh,
Beardsley,	Hough,	Sarnighausen,
Brown,	Howard,	Scott,
Bunyan,	Hubbard,	Smith,
Chapman,	Miller,	Steele,
Daggy,	Neff,	Taylor,
Dwiggins,	O'Brien,	Thompson,
Francisco,	Oliver,	Wadge,
Friedley,	Orr,	Mr. President—29.
Gooding,	Rhodes,	

*Those who voted in the negative were, Messrs.*

Beggs,	Cave,	Stroud,
Bird,	Harney,	Williams,
Bowman,	Slater,	Winterbotham—10.
Carnahan,		

So the rule was not suspended.

Mr. Rosebrugh, by consent, introduced

Senate Bill No. 167. Entitled "An act fixing the time of holding the Court of Common Pleas in Ripley County, in the Twenty-second Judicial District of this State," and declaring an emergency.

Which was read a first time.

Mr. Rosebrugh moved that the constitutional rule requiring bills

to be read on three several days be suspended, and read the bill a second and third time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Friedley, of Scott.	Rosebrugh,
Beeson,	Glessner,	Sarnighausen,
Bird,	Gooding,	Scott,
Boone,	Gregg,	Slater,
Bowman,	Haworth,	Smith,
Brown,	Hough,	Steele,
Bunyan,	Howard,	Stroud,
Carnahan,	Hubbard,	Taylor,
Cave,	Miller,	Thompson,
Chapman,	Neff,	Wadge,
Collett,	O'Brien,	Williams,
Dwiggins,	Oliver,	Winterbotham,
Francisco,	Rhodes,	Mr. President—39.

*Those who voted in the negative were, Messrs.*

Beggs,	Harney,	Orr—3.
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So the rule was suspended, and the bill read a second time.

Mr. Rosebrugh moved that the bill be considered as engrossed,

Which was agreed to.

Senate Bill No. 167. An act fixing the time of holding the Court of Common Pleas in Ripley county in the Twenty-second Judicial District of the State, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Boone,	Carnahan,
Beeson,	Bowman,	Cave,
Beggs,	Brown,	Chapman,
Bird,	Bunyan,	Collett,

Daggy,	Hubbard,	Slater,
Dwiggins,	Miller,	Smith,
Francisco,	Neff,	Steele,
Friedley,	O'Brien.	Stroud,
Glessner,	Oliver,	Taylor,
Gooding,	Orr,	Thompson,
Gregg,	Rhodes,	Wadge,
Harney,	Ringo,	Williams,
Haworth,	Rosebrugh.	Winterbotham,
Hough,	Sarnighausen,	Mr. President—45.
Howard,	Scott,	

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of the bill.

Mr Boone moved to suspend the order of business so as to give leave to the Committee on the Judiciary to make reports.

Which motion was agreed to.

Mr. Brown, from the Committee on the Judiciary, made the following report :

**MR. PRESIDENT :**

The committee to whom was referred a petition from the Board of Trustees of the Wabash and Erie Canal, have had the same under consideration, and have directed me to report the same back to the Senate, and the committee recommend that it lie on the table.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report :

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Engrossed House Bill No. 81, entitled "A bill to amend sections 2, 3, 4 and 6 of an act to provide for the re-location of county seats, and for the erection of public buildings in counties in case of such re-location," approved March 2, 1855; to amend section 2 of an act amendatory of said act, approved December 18, 1863, and to amend section 2 of an act amendatory of said act, approved February 24, 1869, have had the same under consideration, and herewith return the bill to the Senate and recommend that it be placed upon the files and continued to the next session of the General Assembly of the State.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee, to whom was referred Senate Bill No. 36, entitled "An act to amend section ninety and section one hundred and three of 'An act to revise, simplify and abridge the rules, practice, pleadings, and powers in criminal action in this State, approved June 17, 1852, and declaring an emergency,'" have had the same under consideration, and direct me to report the same back to the Senate, and the committee recommend that the bill do lie on the table.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 161, entitled "A bill requiring the board of county commissioners to refund to tax payers taxes levied and collected, specially to aid in the construction of railroads, when the purposes for which the same were collected shall have or may fail," have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that the bill do lie on the table.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee, to whom was referred Senate Bill No. 100, entitled a bill to amend sections 352 and 354 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity," approved June 18, 1852, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that the bill do pass.

Which report was concurred in.

Mr. Brown, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Engrossed House Bill No. 8, entitled "A bill to prevent hunting and shooting on enclosed lands, without the consent of the owner or occupant thereof, and providing for a penalty therefor," have had the same under consideration and report the same back to the Senate, with the following amendments:

Insert in line four of the proviso to the first section after the word "of" in said line, the words "the consent of." Also strike out of the third section of the bill, the emergency clause, and that when the bill is so amended, the committee recommend its passage.

Which report was concurred in.

Mr. Brown from the committee on the judiciary made the following report :

MR. PRESIDENT :

The committee to whom was referred Engrossed House Bill No.

235, entitled "An act supplemental to an act to authorize aid to the construction of railroads by counties and townships, taking stock in, and making donations to railroad companies," approved May 12, 1869, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend that the bill do pass.

Which report was concurred in.

Message from the House by Mr. Nixon, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House to inform the Senate that he has appointed on the part of the House, Messrs. Branham, Brett and Kimball, on the joint committee raised by the concurrent resolution of the two Houses, offering an award for plans and specifications for a new State House.

Mr. Brown, from the committee on the judiciary, made the following report :

MR. PRESIDENT :

The committee on the judiciary, to whom was referred Engrossed House Bill No. 137, entitled " A bill to amend section 103 of an act entitled ' An act to revise, simplify and abridge the rules of practice and pleadings and forms in criminal actions in the courts of this State,' " have had the same under consideration and recommend that the " fourth " and " fifth " clauses of the first section of said bill be stricken out, and the following amendment, herewith submitted, be substituted in lieu of said clauses, and when said bill is so amended a majority of said committee recommend that said bill be laid on the table, and a minority of said committee recommend that the bill do pass.

*Fourth.* When the evidence is concluded the Prosecuting Attorney and the defendant, or his counsel, may, by agreement in open court, submit the case to the court or jury trying the same, without argument, but if the case is not so submitted without argument, the Prosecuting Attorney shall have the opening and closing of the argument, but he shall disclose in the opening all the points relied on in the case, and if in the closing he refers to any new point or fact not disclosed in the opening, the defendant or his counsel shall

have the right of replying thereto, which reply shall close the argument in the case. If the Prosecuting Attorney shall refuse to open the argument the defendant or his counsel may then argue the case, and that shall be all the argument allowed in the case.

*Fifth.* The court must then charge the jury, which charge, upon the request of the Prosecuting Attorney, the defendant or his counsel, made at any time before the commencement of the argument, shall be in writing and the instructions therein contained numbered and signed by the court.

*Sixth.* If the Prosecuting Attorney, the defendant or his counsel desire special instructions to be given to the jury, such instructions shall be reduced to writing, numbered and signed by the party or his attorney asking them, and delivered to the court before the commencement of the argument.

Mr. Brown moved that the amendments as reported by the committee be adopted.

Mr. Steel moved to lay the bill and amendments on the table.

Which motion was agreed to.

Mr. Brown, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

I am directed by the committee on the judiciary, railroads, and federal relations, to submit the following resolutions:

*Resolved,* That the State Librarian be directed to take charge of the committee room now occupied by the committee on the judiciary, railroads and federal relations, at the close of the present session of this General Assembly, and to keep said room, with all the books, papers, stationery and furniture belonging to it, in order that it may be used at the disposal of the next General Assembly.

Which resolution was adopted.

Mr. Thompson moved to suspend the order of business, and that the Senate take up Senate Bill No. 48.

Which was agreed to.



Engrossed Senate Bill No. 48. Entitled "A bill to amend sections 1, 7 and 8, of an act entitled 'An act to establish a home for the maintenance of sick and disabled Indiana soldiers and seamen, and their orphans and widows,' approved March 1, 1867, and section 2 of an act supplementary thereto," approved May 14, 1869.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Friedley,	Rosebrugh,
Beeson,	Glessner,	Sarnighausen,
Beggs,	Gooding,	Scott,
Bird,	Gregg,	Slater,
Boone,	Haworth,	Steele,
Bowman,	Howard,	Smith,
Brown,	Hubbard,	Sleeth,
Bunyan,	Miller,	Taylor,
Carnahan,	Neff,	Thompson,
Cave,	O'Brien,	Wadge,
Chapman,	Oliver,	Williams,
Daggy,	Orr,	Winterbotham,
Dwiggins,	Rhodes,	Mr. President—41.
Francisco,	Ringo,	

Mr. Harney voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered,* That the Secretary inform the House of the passage of the bill.

Mr. Hubbard, from the committee on engrossed bills, made the following report:

MR. PRESIDENT:

The committee on engrossed bills respectfully report that they

have examined and compared Engrossed Senate Bill No. 15 with the original bill, and find it correctly engrossed.

Mr. Hubbard moved that the order of business be suspended, and that the Senate take up Senate Bill No. 15.

Which motion was agreed to.

Engrossed Senate Bill No. 15. An act to authorize cities and towns to negotiate and sell bonds to secure means with which to erect and complete unfinished school buildings and pay debts contracted therefor; to authorize the levy and collection of an additional special school tax for the payment of such bonds, and declaring an emergency."

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Friedley,	Rhodes,
Beeson,	Glessner,	Ringo,
Beggs,	Gooding,	Sarnighausen,
Boone,	Gregg,	Scott,
Bowman,	Harney,	Slater,
Bunyan,	Haworth,	Sleeth,
Carnahan,	Howard,	Steele,
Cave,	Hubbard,	Stroud,
Chapman,	Miller,	Taylor,
Collett,	Neff,	Thompson,
Daggy,	O'Brien,	Wadge,
Dwiggins,	Oliver,	Mr. President—38.
Francisco,	Orr,	

*Those who voted in the negative were, Messrs.*

Bird,	Rosebrugh,	Winterbotham—5.
Williams,	Smith,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of the bill.

Mr. Daggy moved that the order of business be suspended, and that House Bill No. 227 be taken up.

Which motion was agreed to.

Engrossed House Bill No. 227. A bill providing for the payment of township trustees of all moneys which shall have been collected from townships, for either general or specific purposes, except such moneys as may have been collected from townships for State and county revenue, and prescribing punishment of officers failing to comply with the requirements hereof, and repealing all laws inconsistent therewith."

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Chapman,	Orr,
Beeson,	Daggy,	Rhodes,
Beggs,	Dwiggins,	Ringo,
Bird,	Friedley,	Scott,
Boone,	Gooding,	Stroud,
Bowman,	Haworth,	Taylor,
Brown,	Howard,	Thompson,
Bunyan,	Hubbard,	Winterbotham,
Carnahan,	O'Brien,	Mr. President—28.
Cave,		

*Those who voted in the negative were, Messrs.*

Collett,	Sarnighausen,	Smith,
Harney,	Slater,	Williams—8.
Miller,	Sleeth,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of the bill.

Mr. Hough asked and obtained leave of absence indefinitely.

Mr. Orr moved to suspend the order of business, and take up House Bill No. 148.

Which was agreed to.

Engrossed House Bill No. 148. Entitled a bill defining certain felonies and prescribing punishment therefor, compelling the testimony of parties engaged therein against others than themselves, declaring contracts with respect thereto void, and repealing all acts in conflict with this act.

Was read a third time.

The question being, shall the bill pass?

By unanimous consent,

Mr. Sleeth moved to amend by inserting the word "law" after the word "constitution" in section second.

Which amendment was adopted.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beardsley.	Francisco,	Orr,
Beeson,	Friedley,	Rhodes,
Bird,	Gooding,	Ringo,
Beggs,	Gregg,	Sarnighausen,
Boone,	Haworth,	Scott,
Bowman,	Howard,	Sleeth,
Bunyan,	Hubbard,	Smith,
Carnahan,	Miller,	Taylor,
Chapman,	Neff,	Thompson,
Collett,	O'Brien,	Williams,
Daggy,	Oliver,	Winterbotham—34.
Dwiggins,		

*Those who voted in the negative were, Messrs.*

Cave,	Slater,	Stroud,—4
Harney,		

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of the bill.

Mr. Smith offered the following:

WHEREAS, The House of Representatives this day agreed to hold divine services in the Hall of the House of Representatives on Sunday, the 22d inst., that day being, under the law, the last day of this special session. Therefore,

*Resolved*, That the President of the Senate be requested to procure a minister to hold divine services in the Senate chamber on said day, and that the Senate thereafter adjourn *sine die*.

Which resolution was adopted.

Mr. Beardsley moved to suspend the order of business so as to take up House Bill No. 235.

Which motion was agreed to.

Mr. Cave moved that the Senate do now adjourn.

Which was not agreed to.

Engrossed House Bill No. 235, entitled "An act supplemental to an act to authorize aid to the construction of railroads by counties and townships, taking stock in, and making donations to railroad companies," approved May 12, 1869.

Was read a second time.

Mr. Beardsley moved that the constitutional rule requiring bills to be read on three several days, be suspended, and the bill be read a third time now.

The ayes and noes being taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Dwiggins,	Orr,
Beeson,	Francisco,	Rhodes,
Bird,	Friedley,	Ringo,
Beggs,	Gooding,	Scott,
Boone,	Gregg,	Slater,
Bowman,	Harney,	Steele,
Bunyan,	Haworth,	Smith,
Carnahan,	Howard,	Stroud,
Cave,	Hubbard,	Taylor,
Chapman,	Miller,	Thompson,
Collett,	O'Brien,	Winterbotham,
Daggy,	Oliver,	Mr. President—36.

Mr. Neff voting in the negative.

So the rule was suspended.

Engrossed House Bill No. 235, entitled "An act supplemental to an act to authorize aid to the construction of railroads by counties and townships, taking stock in, and making donations to railroad companies," approved May 12, 1869.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Friedley,	Rhodes,
Beeson,	Gooding,	Ringo,
Bird,	Gregg,	Sarnighausen,
Boone,	Harney,	Scott,
Bowman,	Haworth,	Slater,
Bunyan,	Howard,	Sleeth,
Cave,	Hubbard,	Smith,
Chapman,	Miller,	Stroud,
Collett,	Neff,	Taylor,
Daggy,	O'Brien,	Thompson,
Dwiggins,	Oliver,	Williams,
Francisco,	Orr,	Mr. President—36.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of bill.

Mr. Gregg moved to suspend the order of business and take up House Bill No. 139.

Which motion was agreed to.

Engrossed House Bill No. 139, entitled "A bill relating to expenses incurred by one county by change of venue from another county."

Was read a second time.

Mr. Gregg moved that the constitutional rule requiring bill to be read on three several days be suspended, and read the bill a third time now.

Mr. O'Brien moved to lay the bill on the table.

Which motion was agreed to.

On motion by Mr. Daggy,

The Senate adjourned.

## FRIDAY MORNING,

DECEMBER 20, 1872, 10 O'CLOCK.

The Senate met.

Prayer was offered by Rev. Mr. Tinsley, of the Asbury M. E. Church.

Mr. Dwiggins moved to dispense with the reading of the Journal.

Messrs. Williams and Dittimore demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Gooding,	Sleeth,
Beeson,	Haworth,	Steele,
Brown,	Howard,	Taylor,
Bunyan,	Hubbard,	Thompson,
Collett,	Neff,	Wadge,
Chapman,	O'Brien,	Mr. President—20.
Dwiggins,	Rhodes,	

*Those who voted in the negative were, Messrs.*

Bird,	Glessner,	Scott,
Boone,	Gregg,	Slater,
Bowman,	Harney,	Smith,
Carnahan,	Miller,	Stroud,
Cave,	Orr,	Williams,
Daggy,	Ringo,	Winterbotham—22.
Dittimore,	Rosebrugh,	
Francisco,	Sarnighausen,	

So the motion did not prevail.

Pending the reading of the Journal, Mr. Scott moved to dispense with the further reading thereof, except that portion showing the



action of the Senate with reference to the House amendments to Senate bill No. 146, and the appeal of Senators Williams and Carnahan.

Which was agreed to.

Mr. Hubbard made the following report :

MR. PRESIDENT :

The committee on enrolled bills have examined Enrolled Senate Acts Nos. 87 and 3, and find the same correctly enrolled.

Message from the House, by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill, to-wit:

Engrossed House Bill No. 259. A bill making specific appropriations for the years 1871 and 1872.

Mr. Orr presented the following claim :

*State of Indiana to Charles Lambert,*

*Dr.*

To 20 days services as page in the Senate for the session of  
1871, at \$3 per diem.....\$60.00

Which was referred to the committee on claims.

Mr. Neff moved to suspend the order of business, and take up House Bill No. 8.

Which was agreed to.

Engrossed House Bill No. 8. A bill to prevent hunting and shooting on enclosed lands without the consent of the owner or occupant thereof, and providing penalties therefor,

Was taken up.

Mr. Rosebrugh offered the following :

Amend the first section by inserting after the words "occupant thereof" the following: "Provided that such owner or occupant shall have given due notice to the public, warning all persons not to hunt upon said enclosure, by posting notices, not less than three, in three public places upon said premises."

Mr. Harney moved to postpone the further consideration of the bill and amendments until the regular session.

Mr. Boone moved to lay the motion on the table.

Which was not agreed to.

The question recurring on the motion by Mr. Harney, Messrs. Glessner and Cox demanded the ayes and noes.

*. Those who voted in the affirmative were, Messrs.*

Beardsley,	Harney,	Sleeth,
Bunyan,	Haworth,	Smith,
Carnahan,	Howard,	Steele,
Cave,	O'Brien,	Thompson,
Dittemore,	Oliver,	Wadge,
Francisco,	Rhodes,	Winterbotham,
Gooding,	Rosebrugh,	Mr. President—21.

*Those who voted in the negative were, Messrs.*

Beeson,	Daggy,	Orr,
Beggs,	Friedley,	Ringo,
Bird,	Glessner,	Sarnighausen,
Boone,	Gregg,	Scott,
Bowman,	Hubbard,	Stroud,
Brown,	Miller,	Taylor,
Chapman,	Neff,	Williams—22.
Collett,		

So the motion did not prevail.

Mr. Friedley, of Lawrence, (Mr. Hubbard in the chair) moved the whole matter be laid on the table.

Messrs. Williams and Neff demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Gregg,	Rosebrugh,
Beeson,	Harney,	Sleeth,
Bunyan,	Haworth,	Smith,
Carnahan,	Howard,	Steele,
Cave,	Miller,	Thompson,
Dittemore,	O'Brien,	Wadge,
Francisco,	Oliver,	Winterbotham,
Friedley,	Rhodes,	Mr. President—25.
Gooding,		

*Those who voted in the negative were, Messrs.*

Beggs,	Daggy,	Sarnighausen,
Bird,	Glessner,	Scott,
Bowman,	Hubbard,	Stroud,
Brown,	Neff,	Taylor,
Chapman,	Orr,	Williams—17.
Collett,	Ringo,	

So the motion was agreed to.

Message from the House, by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House of Representatives refuses to recede from its amendments to Senate Bill No. 145, and that the House has appointed, on the part of the House, on the conference committee on said bill, Messrs. Wilson, of Ripley, and Peed.

I am also directed to inform the Senate that the House has passed the following Engrossed Act of the Senate, to-wit:

Engrossed Senate Bill No. 54. A bill to divide the State of Indiana into Congressional districts.

Also, Senate Joint Resolution No. 3, with the accompanying engrossed amendments thereto attached.

Mr. Gregg moved that the order of business be suspended to take up the message from the House on the amendment to Senate Joint Resolution No. 3.

Which was agreed to.

S. J.—33

Mr. Gregg moved that the Senate concur in the amendments of the House.

Which was agreed to.

*Ordered*, That the Secretary inform the House thereof.

Mr. Brown moved to suspend the order of business and take up House Bill No. 36.

Which was agreed to.

Mr. Brown moved the constitutional rule requiring bills to be read on three several days be suspended, and the bill read a second and third time now.

The eyes and noses being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Brown,	Oliver,	Taylor,
Collett,	Rosebrugh,	Thompson,
Gooding,	Scott,	Williams—10.
Hubbard,		

*Those who voted in the negative were, Messrs.*

Beeson,	Dittemore,	Rhodes,
Bird,	Francisco,	Ringo,
Boone,	Glessner,	Sarnighausen,
Bowman,	Harney,	Slater,
Bunyan,	Haworth,	Smith
Carnahan,	Neff,	Steele,
Cave,	O'Brien,	Stroud,
Chapman,	Orr,	Winterbotham—25.
Daggy,		

So the rule was not suspended.

Mr. Beeson moved to suspend the order of business and take up House Bill No. 211.

Which was agreed to.

Engrossed House Bill No. 211. A bill supplemental to an act

entitled "An act to establish a female prison and reformatory institution for girls and women, and to provide for the organization and government thereof," approved May 13, 1869.

Was read a second time.

Mr. Steele moved the bill do lie on the table.

Which was agreed to.

Mr. Collett, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have had Senate Bill No. 146, an act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State, and declaring an emergency, under consideration, and have directed me to report the same correctly enrolled.

Mr. Rhodes moved to suspend the order of business and take up House Bill No. 241.

Which was agreed to.

Engrossed House Bill No. 241. A bill to give security to persons who contract with railroad companies to perform work and labor in the construction of railroads, and declaring an emergency.

Was read a first time.

Mr. Rhodes moved the constitutional rule requiring bills to be read on three several days be suspended and the bill read a second and third time now.

The ayes and noes being taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Beardsley,  
Beggs,

Bird,  
Bunyan,

Gooding,  
Harney,

Hubbard,	Rosebrugh,	Taylor,
Howard,	Sarnighausen,	Thompson,
Oliver,	Sleeth,	Winterbotham—17.
Rhodes,	Stroud,	

*Those who voted in the negative were, Messrs.*

Boone,	Dittemore,	Orr,
Bowman,	Francisco,	Ringo,
Brown,	Gregg,	Scott,
Carnahan,	Haworth,	Smith,
Chapman,	Miller,	Steele,
Collett,	Neff,	Williams—20.
Daggy,	O'Brien,	

So the rule was not suspended.

Message from the House by Mr. Nixon, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed Senate bill to wit :

Engrossed Senate Bill No. 166. A bill regulating the sale of county property and the letting of public buildings, bridges, fences and monuments, and declaring an emergency, to which the House has attached the accompanying engrossed amendments.

Amend by inserting the word "not" after the word "shall," in the first line of section 5, and the word "responsible" after the word "lowest," in section 3.

Mr. Scott moved to take up and consider the message of the House on Senate Bill No. 146.

Which was agreed to.

Mr. Scott moved that the Senate do not concur in the amendments of the House, and ask for a committee of conference.

Which was agreed to.

Whereupon the President appointed Messrs. Scott and Daggy as such free conference committee on the part of the Senate.

Mr. Brown moved to suspend the order of business and take up House Bill No. 259.

Which was agreed to.

Engrossed House Bill No. 259. A bill making specific appropriations for the years 1871 and 1872.

Was read a first time.

Message from the House, by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following acts of the Senate, to-wit:

Enrolled Act No. 3 of the Senate. An act to amend section 4 of an act entitled "An concerning the organization and perpetuity of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to any corporation or purpose contemplated by this act," approved February 20, 1867, and declaring an emergency.

Enrolled Act No. 87, Senate. An act granting the consent of the State of Indiana to the purchase by the United States of certain lands for the purpose of erecting a public building at Evansville, and ceding jurisdiction over the same, and declaring an emergency.

I am also directed to inform the Senate that the House has passed the following engrossed Senate Bill to wit:

Engrossed Senate Bill No. 151. A bill to amend the first section of an act entitled as follows: An act to amend the first section of an act entitled "An act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes," etc.

I am also directed to inform the Senate that the House has refused to recede from its amendments to Senate Bill No. 151, and has appointed Messrs. Baxter and Walker on the part of the House, on the free conference committee asked for by the Senate.

Mr. Orr, from the committee on claims, made the following report :

MR. PRESIDENT :

The committee to whom was referred a claim in favor of the Gутtenberg Company for copies of the Telegraph furnished at the last regular session of the Legislature, have had the same under consideration, and recommend that the claimant be allowed \$476.60, and that the same be referred to the financial committee to be incorporated in the specific appropriation bill.

Which report was concurred in.

Mr. Brown moved the constitutional rule requiring bills to be read on three several days be suspended, and House Bill No. 257 read a second and third time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Francisco,	Rosebrugh,
Beeson,	Friedley,	Sarnighausen,
Beggs,	Glessner,	Scott,
Bird,	Gregg,	Slater,
Boone,	Harney,	Sleeth,
Bowman,	Haworth,	Smith,
Brown,	Howard,	Steele,
Bunyan,	Hubbard,	Stroud,
Carnahan,	Miller,	Taylor,
Cave,	Neff,	Thompson,
Chapman,	O'Brien,	Wadge,
Collett,	Oliver,	Williams,
Daggy,	Orr,	Winterbotham,
Dittemore,	Ringo,	Mr. President—43.
Dwiggins,		

No Senator voting in the negative.

So the rule was suspended and engrossed House Bill No. 247 was read a second time by title and referred to the committee on finance.

Message from the House, by Mr. Nixon, Clerk thereof:



MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following Enrolled Act of the Senate, to wit:

Enrolled Act, No. 146, Senate. An act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana and to apportion the same among the several counties of the State, and declaring an emergency.

The question being, on the adoption of the resolution offered by Mr. Williams,

Mr. Williams offered the following:

*Resolved*, That the Principal Secretary, the Assistant Secretary, the Doorkeeper, the President of the Senate, and the chairman of each standing committee report to the Senate the name of each employe, the number employed by each, and the duties performed by each one employe.

Mr. Scott moved to lay the resolution on the table.

Messrs. William and Cave demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Haworth,	Scott,
Beeson,	Hubbard,	Steele,
Brown,	Neff,	Taylor,
Bunyan,	O'Brien,	Thompson,
Daggy,	Oliver,	Wadge,
Dwiggins,	Rhodes,	Mr. President—18.

*Those who voted in the negative were, Messrs.*

Beggs,	Chapman,	Gregg,
Bird,	Collett,	Harney,
Boone,	Dittemore,	Howard,
Bowman,	Francisco,	Miller,
Carnahan,	Friedley,	Orr,
Cave,	Glessner,	Ringo,

Rosebrugh,	Sleeth,	Williams,
Sarnighausen,	Smith,	Winterbotham—26.
Slater,	Stroud,	

So the motion was not agreed to.

On motion, by Mr. O'Brien,

The Senate took a recess until 2 o'clock P. M.

#### AFTERNOON SESSION.

The Senate re-assembled at 2 o'clock.

The question pending at the adjournment was the consideration of the resolution offered by Mr. Williams.

Mr. Dwiggins moved to amend the resolution as follows :

Amend by requiring the reports to be made on the first day of the regular session.

Mr. Bowman moved to lay the whole subject on the table.

Messrs. Williams and Gregg demanded the ayes and noes.

*Those who voted in the affirmative, were Messrs.*

Beardsley,	Haworth,	Rhodes,
Brown,	Hubbard,	Scott,
Bunyan,	Miller,	Sleeth,
Daggy,	Neff,	Taylor,
Dwiggins,	O'Brien,	Wadge,
Friedley, of Scott,	Oliver,	Mr. President—20.
Gooding,	Orr,	

*Those who voted in the negative were, Messrs.*

Beggs,	Boone,	Carnahan,
Bird,	Bowman,	Cave,

Collett,	Harney,	Smith,
Dittemore,	Rosebrugh,	Stroud,
Francisco,	Sarnighausen,	Williams,
Glessner,	Slater,	Winterbotham—19.
Gregg,		

So the motion was agreed to.

Message from the Governor by Mr. Commons, his Private Secretary.

MR. PRESIDENT:

I am directed by the Governor to respectfully inform the Senate that he has approved and signed the following acts, viz.:

Enrolled Act of the Senate, No. 45, entitled "An act to provide for the permanent enclosure of the Tippecanoe Battle Ground, and declaring an emergency."

Enrolled Act of the Senate, No. 118, entitled "An act to repeal all laws now in force establishing the times of holding Circuit Courts in the Second Judicial Circuit; to fix the times of holding said courts; requiring all persons to take notice thereof; providing for the return of process, and declaring when this act shall take effect.

Enrolled Act of the Senate, No. 40, entitled "An act concerning the organization and perpetuity of voluntary associations, and repealing former laws in regard thereto," approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act," approved February 20, 1867, and declaring an emergency to exist. And that said several acts have been deposited in the office of the Secretary of State.

I am also directed by the Governor to transmit herewith a communication announcing nominations and appointments of managers for the Indiana Female Reformatory for Women and Girls, and asking their confirmation.

GENTLEMEN OF THE SENATE:

I beg leave to inform the Senate that in pursuance of the act to

establish the Indiana Reformatory Institution for women and girls, approved May 13, 1869, I did, on the 20th day of July, 1869, appoint the following named persons as the Board of Managers of said institution, to serve respectively for the terms hereinafter stated, viz: E. B. Martindale, to serve for two years from the 1st day of May, 1869; Asabel Stone, to serve for the term of three years from the same date, and Joseph L. Irwin, to serve for four years from the same date.

That the said E. B. Martindale resigned on the 13th day of October, 1870, and James M. Ray was appointed to fill his vacancy November 8, 1870, and resigned July 20, 1872, and on the 10th day of October, 1872, I appointed Stoughton A. Fletcher, Jr., to fill said vacancy, and to serve for the term of four years from the 1st day of May, 1871, or until May 1, 1875. I, therefore, respectfully request that the appointment of said Stoughton A. Fletcher, Jr., as one of the managers of said institution for the term aforesaid may be confirmed by the Senate.

The said Asabel Stone also resigned his said appointment on the 20th day of November, 1870, and on the 16th day of November I appointed Franklin G. Armstrong, of Carroll county, to fill the vacancy, that is until May 1, 1872, and the said Armstrong having held ever since the last named date, I do now appoint him as one of the managers of said institution, for the term of four years from the said first day of May, 1872, and respectfully ask that his nomination may be confirmed by the Senate.

I also respectfully ask the appointment of the said Joseph I. Irwin may be confirmed.

Respectfully submitted,

CONRAD BAKER,  
Governor.

Mr. Dwiggins moved to suspend the order of business to permit Mr. Thompson to offer a resolution.

Which was agreed to.

Mr. Thompson offered the following:

*Resolved*, That Senators Oliver, Scott and Smith be appointed a select committee to examine the condition of the Senate Chamber,

and make such suggestions as will in their opinion secure the proper heating and ventilation thereof, and secure its safe occupancy by this Senate for the regular session, and that they have leave to report the same to the Senate.

Mr. Carnahan offered the following substitute :

*Resolved*, That the Librarian be and he is hereby instructed and directed to cause the flues for warming the Senate Chamber to be thoroughly cleaned and repaired by the meeting of this General Assembly in regular session, in January, 1873.

Mr. Orr moved to lay the substitute on the table.

Which was agreed to.

The question recurring on the adoption of the resolution of Mr. Thompson,

It was agreed to.

Mr. Brown, from the committee on the judiciary, reported back Senate Bill No. 148, and recommended that it be placed on the files of the Senate.

Which report was concurred in.

Mr. Dwiggins, from the committee of free conference, made the following report :

MR. PRESIDENT :

The free conference committee of the Senate and House of Representatives, appointed to consider the House amendments to Engrossed Senate Bill No. 145, relating to the number of employes of the two Houses, have had the same under consideration, and recommend that the House of Representatives recede from all its amendments except the two amendments to section 2, and that the Senate concur in said two amendments.

Which report was concurred in.

The President announced that he had signed Senate Enrolled Acts Nos. 3, 87 and 146.

## SPECIAL ORDER.

The hour of 2:30 o'clock having arrived, it being the hour fixed for the consideration of Senate Bill No. 9, the same was taken up.

Mr. Brown moved that the further consideration of the bill be postponed until the regular session, and that the bill be placed on the file.

Which was agreed to.

Mr. Glessner moved to suspend the order of business for the purpose of offering a resolution.

Which was granted.

Mr. Glessner offered the following :

*Resolved*, By the Senate, the House of Representatives concurring, that the present session of the General Assembly, on Saturday, the 21st day of December, at 12 o'clock, M., adjourn *sine die*.

Mr. Brown moved to lay the resolution on the table.

Which was agreed to.

Mr. Brown moved to suspend the order of business for the purpose of offering a resolution.

Which was agreed to.

Mr. Brown offered the following :

*Resolved*, That the Committee on Railroads be authorized to continue its investigations in regard to the Indianapolis and Terre Haute Railroad after the adjournment of the present session, and report its investigations to the next session of this General Assembly, and the members of said committee shall have for their services during the time they are engaged, the same compensation allowed members of the General Assembly.

Mr. Scott moved to amend so that but three members of said committee should be allowed to sit during the vacation.

Mr. Gregg moved to lay the amendment on the table.

Which was agreed to.

The question recurring on the adoption of the original resolution,

It was agreed to.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the report of the conference committee of the two Houses on Senate bill No. 145. Also, that the House has concurred in the amendments of the Senate to House Bill No. 148.

Mr. Collett, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills respectfully report that they have presented this day, December 20, 1872, to the Governor for his signature, the following enrolled acts, to wit:

Enrolled Senate Act No. 3. An act to amend section four of an act entitled "An act concerning the organization and perpetuity of voluntary associations, and repealing an act entitled 'an act concerning the organization and perpetuity of voluntary associations, and repealing all former laws in reference thereto,' approved February 12, 1855, and repealing each act repealed by said act and authorizing gifts or devisees by will to be made to any corporation or purpose contemplated by this act," approved February 20, 1867, and declaring an emergency.

Enrolled Senate Act No. 87. An act granting the consent of the State of Indiana to the purchase by the United States of certain lands for the purpose of the erection of a public building at Evansville, and ceding jurisdiction over the same.

Enrolled Senate Act No. 146. An act to fix the number of Senators and Representatives to the General Assembly of the State of

Indiana, and to appoint the same among the several counties of the State, and declaring an emergency.

Mr. Carnahan moved to suspend the order of business and take up Senate Bill No. 71.

Which was agreed to.

Senate Bill No. 71. A bill to amend section 7 and 49, of an act entitled "An act providing for the settlement of decedents estates, prescribing the rights, liabilities and duties of offices connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 15, 1852.

Was read a second time.

Mr. Carnahan moved the constitutional rule requiring bills to be read on three several days be suspended, and the bill be read a third time now.

The ayes and noes being taken under the rule.

*Those who voted in the affirmative were, Messrs.*

Beesson,	Francisco,	Ringo,
Beggs,	Friedley,	Rosebrugh,
Bird,	Glessner,	Sarnighausen,
Bowman,	Gooding,	Scott,
Brown,	Gregg,	Slater,
Bunyan,	Harney,	Smith,
Carnahan,	Haworth,	Steele,
Cave,	Howard,	Stroud,
Chapman,	Hubbard,	Taylor,
Collett,	Miller,	Thompson,
Daggy,	Neff,	Wadge,
Dittemore,	Oliver,	Williams,
Dwiggins,	Orr,	Winterbotham—39.

No Senator voting in the negative.

So the rule was suspended and Senate Bill No. 71, read a third time.

The question being, shall the bill pass?



*Those who voted in the affirmative were, Messrs.*

Beardsley,	Francisco,	Ringo,
Beeson,	Friedley,	Rosebrugh,
Beggs,	Gooding,	Sarnighausen,
Bird,	Gregg,	Scott,
Boone,	Harney,	Slater,
Bowman,	Haworth,	Smith,
Brown,	Howard,	Steele,
Bunyan,	Hubbard,	Stroud,
Carnahan,	Miller,	Taylor,
Cave,	Neff,	Thompson,
Chapman,	O'Brien,	Wadge,
Daggy,	Oliver,	Williams,
Dittemore,	Orr,	Winterbotham—40.
Dwiggins,		

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

*Ordered,* That the Secretary inform the House, of the passage of the bill.

Mr. Collett made the following report :

MR. PRESIDENT :

The committee on enrolled bills would respectfully report, that they have examined and compared Enrolled Senate Act No. 54, entitled "An act to divide the State of Indiana into Congressional Districts, with the engrossed bill thereof," and find the same correctly enrolled.

Message from the House, by Mr. Nixon, the Clerk thereof:

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to

inform the Senate that he has signed the following enrolled act of the Senate, to wit:

Enrolled Senate Act No. 54. An act to divide the State of Indiana into Congressional Districts.

Mr. Dwiggins offered the following:

*Resolved*, That the State Librarian be directed to take charge of all the committee rooms, six in number, now occupied by committees of the Senate, in Circle Hall, and keep them securely locked so as to protect the property belonging to the State, now in such rooms, until the commencement of the next General Assembly.

Which resolution was adopted.

Mr. Scott, from the conference committee, made the following report:

MR. PRESIDENT:

The committee on the part of the House, in conjunction with a like committee, on the part of the Senate, in relation to the proposed amendment to Senate Bill No. 166, have had the same under consideration, and respectfully report the following amendments to said bill:

Add the following at the end of section 5:

*“Provided*, That the provisions of this act shall not apply to change or modify in any case any act or law in relation to the removal of county seats, or the construction of any building under any or all acts for the relocation of county seats, but the Board of Commissioners in the construction of public buildings on the removal of county seats, and all matters connected therewith, shall be governed by the laws now in force in relation thereto, and not by any of the provisions of this act.”

And further propose to amend section 3 of said bill, by striking out the words, “one-fourth,” and inserting “one-half.”

And further propose, upon the concurrence by the House and Senate in said amendments, that the House recede from the amend-

ments heretofore made in adding the word "not" after the word "shall" in the first line of section five, and the word "responsible" after the word "honest" in section three.

Mr. Brown raised the point of order that the committee has exceeded their powers; the committee having no power to pass upon anything except the amendments proposed by the House.

The point of order was sustained by the chair.

Mr. Sleeth made the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills respectfully report to the Senate that they have compared Enrolled House Act, No. 172, being an act to fix the time of holding the terms of the Common Pleas Court in the several counties comprising the Sixth Judicial District, the duration of such terms, and repealing all laws in conflict therewith, and find the same correctly enrolled.

Also, Enrolled House Act No. 90, being an act touching public squares in towns laid out, platted and recorded, with public grounds not specifically dedicated, and the matters therewith connected, and find the same correctly enrolled.

Also Enrolled House Joint resolution in relation to an appropriation by Congress for the completion of the harbor at Michigan City, and find the same correctly enrolled.

Also Enrolled House Act No. 134, being an act to fix the time of holding the circuit courts, and the length of terms thereof, in the several counties comprising the Twelfth Judicial Circuit of the State of Indiana, and providing for the return of process thereto, and find the same correctly enrolled.

Also Enrolled House Act No. 227, being an act providing for the payment to township trustees of all moneys which shall have been collected from townships for general, special or specific purposes," etc., and find the same correctly enrolled.

Also Enrolled House Act No. 135, being "An act supplemental to an act to authorize aid to the construction of railroads by counties and townships," etc., and find the same correctly enrolled.

Also Enrolled House Act No. 185. Being "An act to legalize the official acts of the board of trustees of the town of Huntingsburg, Dubois County, " etc., and find the same correctly enrolled.

Mr. Collett made the following report :

MR. PRESIDENT :

The committee on enrolled bills respectfully report that they have this day presented to the Governor for his signature Enrolled Senate Act No. 54, entitled " An act to divide the State of Indiana into Congressional Districts."

Message from the House, by Mr. Nixon, Clerk thereof :

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled acts of the House of Representatives, to wit :

Enrolled Act No. 172, House of Representatives. " An act to fix the time of holding the terms of the common pleas court in the several counties comprising the Sixth Judicial District, the duration of such terms, and repealing all laws in conflict therewith."

Enrolled Act No. 134, House of Representatives. " An act to fix the times of holding circuit courts, and the length of terms thereof, in the several counties comprising the Twelfth Judicial Circuit of the State of Indiana, and providing for the return of process thereto."

Enrolled Act No. 90, House of Representatives. " An act touching public squares in towns laid out, platted and recorded with public grounds not specifically dedicated, and the matters therewith connected."

Enrolled Joint Resolution No. 7, House of Representatives. A joint resolution in relation to an appropriation by Congress for the completion of the harbor at Michigan City.

Enrolled Act No. 185, House of Representatives. An act to legalize the official acts of the board of trustees of the town of Huntingsburg, Dubois county, Indiana, and all other officers of said

corporation, under an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, and the by-laws, rules, regulations and proceedings adopted in pursuance thereof.

Enrolled Act No. 227, House of Representatives. An act providing for the payment of township trustees of all moneys which shall have been collected from townships, for either general, special, or specific purposes, except such moneys as may have been collected from townships for State and county revenue, and prescribing punishment of officers failing to comply with the requirements hereof, and repealing all laws inconsistent therewith, and declaring an emergency.

Enrolled Act No. 235, House of Representatives. An act supplemental to "An act to authorize aid to the construction of railroads by counties and townships taking stock in, and making donations to railroad companies," approved May 12, 1867.

And the same are herewith submitted to the Senate for the signature of the President thereof.

The President announced that he had signed the following enrolled acts, to wit :

Enrolled Act No. 54, Senate, Enrolled Acts Nos 90, 172 and 134, House of Representatives, and Enrolled Joint Resolution No. 7, House of Representatives.

The President announced that he had appointed Messrs. Dwiggins and Dittmore, as a new committee of free conference on Senate Bill No. 166, on the part of the Senate.

Mr. Steele, from the committee on finance, made the following report :

**MR. PRESIDENT :**

The committee on finance, to whom was referred House Bill No. 259, report that they have had the same under consideration, and recommend that the bill be amended as follows :

**SECTION 39.** That Thomas J. Rickey be allowed the sum of fifty dollars, for his services as constable, in serving witnesses in the case

Hon. J. W. Burson contest at the last regular session of the Legislature.

SEC. 40. That Josselyn Bros. & Co., be allowed the sum of one hundred and forty dollars, for rent of rooms for Senate committees during the last regular session of the Legislature.

SEC. 41. That McCoy & Root be allowed the sum of five dollars, for coal furnished Senate committees December 2, 1872.

SEC. 42. That the Indianapolis Journal Company be allowed the sum of six hundred and fifty-five dollars and three cents, for copies of the *Journal*, wrapped and stamped, roll calls, cards with Senators address, furnished the Senate at the last regular session.

SEC. 43. Richard J. Bright & Co., be allowed the sum of six hundred and thirty-six dollars and fifty-two cents, for copies of the *Sentinel* furnished to the Senate at the last regular session.

SEC. 44. That George D. Farmer be allowed the sum of seventeen dollars and twenty cents, for his attendance as a witness in the J. W. Burson contest case, at the last regular session of the Legislature.

SEC. 45. That Julius Boetticher be allowed the sum of two hundred and eleven dollars and twenty cents, for copies of the *Volksblatt*, wrapped and stamped, furnished the Senate at the last regular session.

SEC. 46. That Alfred Thompson be allowed the sum of one hundred and sixty-four dollars and forty cents for purchase money and interest thereon, for lands purchased by the State of Indiana, on account of the failure of title.

SEC. 47. That William Burrus be allowed the sum of twenty dollars for provisions furnished Company A, Eighty-fourth Regiment Indiana Volunteers, August 4, 1862.

SEC. 48. That Sarah H. and Mary J. Ketchum be allowed the sum of eighty-nine dollars for purchase money and interest thereon, for lands purchased of the State on account of failure of title.

SEC. 49. That the Indianapolis Sentinel Company be allowed

the sum of six hundred and twenty-six dollars and twelve cents for papers furnished the Senate, wrapped and stamped, and for services of short-hand reporter at the Special Session of the Legislature for 1872.

SEC. 50. That Charles W. Stagg be allowed the sum of eight hundred and eighty dollars for his services as short-hand reporter during the last session of the Legislature, in the trial of the John W. Burson contest.

SEC. 51. That Guttenburg Company be allowed the sum of six hundred and eighty-seven dollars and fifty cents for papers furnished the Senate during the Special Session of the Legislature, 1872.

SEC. 52. That Franklin Hawkins be allowed the sum of one hundred and fifteen dollars and fifty cents for six issues of the National Beacon, two hundred and seventy-five copies each, furnished the Senate during the Special Session of the Legislature, 1872.

SEC. 53. That the Indianapolis Journal Company be allowed the sum of six hundred and twenty-six dollars and twelve cents for copies of the Indianapolis Journal, wrapped and stamped, furnished the Senate at the Special Session of the Legislature of 1872.

SEC. 54. That Guttenburg Company be allowed the sum of four hundred and ninety-five dollars for copies of the Daily Telegraph, furnished the Senate during the session of the Legislature, 1871.

SEC. 55. That Senators Dittemore, Hadley, Daugherty, Hamilton and Wadge be allowed the sum of thirty dollars each for their expenses incurred in going to Dayton, Ohio, as the military committee at the last regular session of the Legislature.

SEC. 56. That T. A. Goodwin be allowed the sum of forty-two dollars and sixty cents for copies of the Indiana American furnished at the last regular session of the Legislature.

SEC. 57. That Senators Williams, Dittemore, Johnson, Wadge, Denbo and Robinson, be allowed the sum of thirty dollars each for their expenses in making two trips to the Southern Prison to investigate the affairs of the same, at the last session of the Legislature.

SEC. 58. That M. G. Lee be allowed the sum of thirty dollars for Commercials furnished at the last regular session of the Legislature

SEC. 59. That Julius Bötticher be allowed the sum of ninety-six dollars and twenty-five cents for two hundred and seventy-five copies of the Weekly Volksblatt, furnished the Senate during the extra session of the Legislature of 1872.

SEC. 60. That the Guttenburg company be allowed the sum of four hundred and seventy-six dollars and sixty cents for copies of the telegraph furnished the Senate during the regular session of the Legislature.

SEC. 61. That Gilkey & Jones be allowed the sum of thirteen dollars and eighty-five cents for work and repairing done in and about Senate Chamber during the special session of the Legislature of 1872.

SEC. 62. It is hereby declared that an emergency exists for the passage and taking effect of this act, therefore, the same shall take effect and be in force from and after its passage, and when so amended the committee recommend that the bill do pass.

The question being on concurring in the report of the committee,

Mr. Daggy moved the Senate consider the amendments proposed by the committee by sections.

Which was agreed to.

Mr. Chapman moved to amend section 50 by striking out \$880 and inserting \$680.

Mr. Brown moved that the amendment be laid on the table.

Messrs. Chapman and Daggy demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beeson,  
Beggs,  
Bird,

Boone,  
Bowman,  
Brown,

Carnahan,  
Cave,  
Dittemore,



Francisco,	Oliver,	Steele,
Glessner,	Orr,	Stroud,
Gregg,	Ringo,	Thompson,
Howard,	Rosebrugh,	Wadge,
Hubbard,	Sarnighausen,	Williams,
Miller,	Sleeth,	Winterbotham—29.
O'Brien,	Smith,	

*Those who voted in the negative were, Messrs.*

Beardsley,	Dwiggins,	Rhodes,
Bunyan,	Friedley.	Scott,
Chapman,	Haworth,	Slater,
Daggy,	Neff,	Mr. President—12.

So the motion was agreed to.

On motion the amendments proposed by the committee were adopted.

Mr. Brown offered the following amendment to the bill:

SEC. ——. That A. E. and W. H. Drapier be allowed for the same number of the Brevier Legislative Reports for the Forty-eighth General Assembly, as have been furnished every session since 1857, the same price paid per page for the last several volumes.

Mr. Bunyan moved to lay the amendment on the table.

Which was agreed to.

Mr. Daggy moved the constitutional rule requiring bills to be read on three several days be suspended and the bill be read a second and third time now.

Mr. Brown moved to amend so that the bill be read a second time by title only.

Mr. Dwiggins moved to lay the amendment on the table.

Which was not agreed to.

The question recurring on the adoption of the resolution of Mr. Brown,

Mr. Gooding moved to reconsider the vote on the adoption of the amendment was agreed to.

The question being on the adoption of the amendment, Messrs. O'Brien and Dwiggins demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Bird,	Francisco,	Sarnighausen,
Bowman,	Glessner,	Scott,
Brown,	Gregg,	Smith,
Carnahan,	Harney,	Stroud,
Cave,	Ringo,	Williams,
Dittemore,	Rosebrugh,	Winterbotham—18.

*Those who voted in the negative were, Messrs.*

Beeson,	Haworth,	Rhodes,
Beggs,	Howard,	Slater,
Boone,	Hubbard,	Sleeth,
Bunyan,	Miller,	Steele,
Chapman,	Neff,	Thompson,
Daggy,	O'Brien,	Taylor,
Dwiggins,	Oliver,	Wadge,
Gooding,	Orr,	Mr. President—24

So the amendment was not adopted.

The question recurring on the motion to suspend the constitutional rule,

*Those who voted in the affirmative were, Messrs.*

Beeson,	Gooding,	Rosebrugh,
Beggs,	Gregg,	Sarnighausen,
Bird,	Haworth,	Scott,
Boone,	Harney,	Slater,
Brown,	Howard,	Sleeth,
Bunyan,	Hubbard,	Smith,
Carnahan,	Miller,	Stroud,
Cave,	Neff,	Taylor,
Chapman,	O'Brien,	Thompson,
Daggy,	Oliver,	Wadge,
Dwiggins,	Orr,	Williams,
Francisco,	Rhodes,	Winterbotham—38.
Glessner,	Ringo,	

Mr. Dittmore voting in the negative.

So the rule was suspended.

Mr. Haworth moved that the Senate take a recess until 7:30 o'clock, P. M.

Which was not agreed to.

Engrossed House Bill. No 259, entitled, "An Act making specific appropriations for the years 1871 and 1872,"

Was read a second time.

On motion by Mr. Gooding,

The Senate took a recess until 8 o'clock, P. M.

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#### EVENING SESSION.

The Senate re-assembled at 8 o'clock, P. M.

The consideration of Engrossed House Bill No. 259 was resumed.

Mr. O'Brien offered the following:

Amend by striking out section 27.

Mr. Daggy offered the following substitute:

Amend section 27 by striking out the words "four thousand dollars" and inserting the words "ten thousand dollars." Also, add at the close of said section the words "and 1872."

Mr. Dwiggins demanded the previous question,

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, on the adoption of the resolution offered by Mr. Daggy.

Messrs. Brown and Daggy demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Dwiggins,	Scott,
Brown,	Friedley,	Steele,
Bunyan,	Gooding,	Taylor,
Chapman,	Hubbard,	Thompson,
Collett,	Miller,	Mr. President—17.
Daggy,	Rhodes,	

*Those who voted in the negative were, Messrs.*

Beeson,	Gregg,	Rosebrugh,
Beggs,	Hall,	Sarnighausen,
Bird,	Harney,	Slater,
Boone,	Haworth,	Sleeth,
Bowman,	Neff,	Smith,
Carnahan,	O'Brien,	Stroud,
Cave,	Oliver,	Wadge,
Dittemore,	Orr,	Williams,
Francisco,	Ringo,	Winterbotham—28.
Glessner,		

So the substitute was not adopted.

The question recurring on the adoption of the amendment of Mr. O'Brien.

Messrs. Brown and Williams demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Gooding,	O'Brien,
Bunyan,	Haworth,	Orr,
Chapman,	Hubbard,	Rhodes,
Daggy,	Miller,	Sleeth,
Dwiggins,	Neff,	Mr. President—16.
Friedley,		

*Those who voted in the negative were, Messrs.*

Beeson,	Francisco,	Slater,
Beggs,	Glessner,	Smith,
Bird,	Gregg,	Steele,
Boone,	Hall,	Stroud,
Bowman,	Harney,	Taylor,
Brown,	Oliver,	Thompson,
Carnahan,	Ringo,	Wadge,
Cave,	Rosebrugh,	Williams,
Collett,	Sarnighausen,	Winterbotham—29.
Dittemore,	Scott,	

So the amendment was not agreed to.

Mr. Dwiggins moved to amend the section by striking out the words “four thousand dollars” and inserting the words “two thousand and one dollars.”

Mr. Sleeth offered the following substitute :

Amend section 27 by striking out the words “four thousand,” and inserting in lieu thereof the words “sixteen hundred.”

Mr. Williams moved to lay the substitute on the table.

Messrs. Bunyan and Daggy demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Dwiggins,	Scott,
Beeson,	Francisco,	Slater,
Beggs,	Glessner,	Smith,
Boone,	Gregg,	Steele,
Brown,	Hall,	Stroud,
Bowman,	Harney,	Taylor,
Carnahan,	Hubbard,	Thompson,
Cave,	Ringo,	Wadge,
Collett,	Rosebrugh,	Williams,
Daggy,	Sarnighausen,	Winterbotham—31.
Dittemore,		

*Those who voted in the negative were, Messrs.*

Bird,	Miller,	Orr,
Bunyan,	Neff,	Rhodes,
Chapman,	O'Brien,	Sleeth,
Gooding,	Oliver,	Mr. President—13.
Haworth,		

So the motion was agreed to.

The question recurring on the amendment offered by Mr. Dwiggins,

Mr. Brown offered the following substitute :

Sec. 27. That Bayless W. Hanna, late Attorney General, be allowed two thousand and five hundred dollars in full for extra services rendered by him in behalf of the State during his entire term of office.

Which substitute was adopted.

The question being on the adoption of section 27 as amended,

Messrs. Sleeth and O'Brien demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Dwiggins,	Rosebrugh,
Beeson,	Francisco,	Sarnighausen,
Beggs,	Friedley,	Scott,
Bird,	Glessner,	Slater,
Boone,	Gooding,	Smith,
Bowman,	Gregg,	Steele,
Brown,	Hall,	Stroud,
Carnahan,	Harney,	Taylor,
Cave,	Hubbard,	Thompson,
Collett,	Oliver,	Wadge,
Daggy,	Rhodes,	Williams,
Dittemore,	Ringo,	Winterbotham—36.

*Those who voted in the negative were, Messrs.*

Bunyan,	Miller,	Orr,
Chapman,	Neff,	Sleeth,
Haworth,	O'Brien,	Mr. President—9.

So the section as amended was adopted.

Mr. O'Brien moved to strike out section 32.

Mr. Smith demanded the previous question,

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, on the motion by Mr. O'Brien,

It was agreed to.

Messrs. Brown, Roseburgh and Thompson were granted leave of absence until to-morrow morning.

Mr. Dwiggins moved to strike out section 18.

Messrs. Gooding and Slater, demanded the ayes and noes.

*Those who voted in the affirmative were, Messrs.*

Beeson,	Harney,	Oliver,
Bunyan,	Haworth,	Orr,
Chapman,	Miller,	Rhodes,
Daggy,	Neff,	Sarnighausen—14.
Dwiggins,	O'Brien,	

*Those who voted in the negative were, Messrs.*

Beardsley,	Glessner,	Smith,
Beggs,	Gooding,	Steele,
Bird,	Gregg,	Stroud,
Boone,	Hubbard,	Taylor,
Bowman,	Ringo,	Wadge,
Carnahan,	Scott,	Williams,
Cave,	Slater,	Winterbotham,
Dittemore,	Sleeth,	Mr. President—25.
Francisco,		

So the motion was not agreed to.

Mr. Gregg offered the following amendment :

Strike out of section 15, the words "eighty-one," and insert "thirty."

Mr. Slater demanded the previous question,

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being on the adoption of the amendment offered by Mr. Gregg.

It was agreed to.

Mr. Sleeth moved to strike out section 20.

Mr. Slater demanded the previous question,

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being on the motion by Mr. Sleeth,

It was agreed to.

Indefinite leave of absence was granted to Mr. Beggs.

Mr. Neff offered the following:

Amend by striking out section 26.

Mr. Slater demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being on the adoption of the amendment offered by Mr. Neff,

It was agreed to.



Mr. Chapman moved to strike out section 21.

Which was agreed to.

Mr. Hall moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill read a third time now.

The ayes and noes being taken under the rule,

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Friedley,	Ringo,
Beeson,	Glessner,	Rosebrugh,
Beggs,	Gooding,	Sarnighausen,
Bird,	Gregg,	Scott,
Boone,	Hall,	Slater,
Bowman,	Harney,	Smith,
Carnahan,	Haworth,	Steele,
Cave,	Hubbard,	Stroud,
Chapman,	Miller,	Taylor,
Collett,	Neff,	Wadge,
Daggy,	O'Brien,	Williams,
Dittemore,	Oliver,	Winterbotham,
Dwiggins,	Orr,	Mr. President—40.
Francisco,	Rhodes,	

No Senator voting in the negative.

So the rule was suspended.

Engrossed House Bill No. 259. An act making specific appropriations for the years 1871 and 1872.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were, Messrs.*

Beardsley,	Bowman,	Cave,
Beeson,	Boone,	Chapman,
Beggs,	Bunyan,	Collett,
Bird,	Carnahan,	Daggy,

Dittemore,	Hubbard,	Slater,
Dwiggins,	Miller,	Sleeth,
Francisco,	Neff,	Smith,
Friedley,	O'Brien,	Steele,
Glessner,	Oliver,	Stroud,
Gooding,	Orr,	Taylor,
Gregg,	Rhodes,	Wadge,
Hall,	Ringo,	Williams,
Harney,	Sarnighausen,	Winterbotham,
Haworth,	Scott,	Mr. President—42.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of this bill.

The President announced that he had signed Enrolled House Acts Nos. 163, and 148, and Enrolled Senate Joint Resolution No. 3.

Mr. Daggy moved to suspend the order of business and take up the message of the Governor announcing the appointment of Commissioners of the Reformatory Institution.

Which was agreed to.

Mr. Daggy moved that said appointments be confirmed in the Senate.

Which was agreed to.

Mr. Gooding offered the following :

*Resolved*, That the Senate will adjourn *sine die* on the night of the 22d inst., at 12 o'clock.

Which resolution was adopted.

Mr. Sleeth moved to reconsider the vote on the adoption of the resolution offered by Mr. Gooding.

Which was agreed to.

The question being on the adoption of the resolution,

Mr. Sleeth moved that the resolution do lie on the table.

Which was agreed to.

Mr. Scott moved to suspend the order of business and take up Senate Bill No. 166.

Which was agreed to.

Mr. Scott moved that the Senate recede from its disagreement with the amendments of the House.

Which was agreed to.

Mr. Scott moved to concur in the amendments of the House.

Which was agreed to.

Mr. Gregg moved to suspend the order of business and take up House Joint Resolution No. 3.

Which was agreed to.

Engrossed House Joint Resolution No. 3. A Joint Resolution instructing our Senators and requesting our Representatives in Congress to secure the passage of a law to equalize the bounties of the soldiers and seamen of the United States in the war of the Rebellion.

Was read a first time.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were Messrs.*

Beardsley,	Bowman,	Collett,
Beeson,	Bunyan,	Daggy,
Beggs,	Carnahan,	Dwiggins,
Bird,	Cave,	Francisco,
Boone,	Chapman,	Friedley,

Glessner,	O'Brien,	Steele,
Gooding,	Oliver,	Stroud,
Gregg,	Orr,	Taylor,
Hall,	Rhodes,	Wadge,
Harney,	Ringo,	Williams,
Haworth,	Sarnighausen,	Winterbotham,
Miller,	Scott,	Mr. President—38.
Neff,	Slater,	

No Senator voting in the negative.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution?

It was so ordered.

*Ordered*, That the Secretary inform the House of the passage of the joint resolution.

Mr. Neff offered the following:

*Resolved*, That the State Librarian be requested to place new locks upon the outer doors of the Senate Chamber.

Which resolution was adopted.

Mr. Daggy, from the committee on the organization of courts, made the following report:

MR. PRESIDENT :

The committee, to whom was referred the resolution of the Senate, touching the Criminal and Civil Circuit Courts, and Courts of Common Pleas, as also the memorial of the Bar Association of this State, together with the several resolutions offered in relation thereto, have had the same under consideration, and direct me to return the same, recommending that the same do lie on the table until the next regular session of the General Assembly for further consideration.

Which report was concurred in.

Mr. Beeson, from the committee on temperance, made the following report :

MR. PRESIDENT :

The committee, to whom was referred Senate Bill No. 12, "An act to give right of action for certain injuries in certain cases," and also Senate Bill No. 114, "An act to suppress tippling houses, to regulate the sale, barter, and giving away of spirituous and malt liquors, wine, and other intoxicating liquors, to prevent public exhibitions of drunkenness, to provide penalties for the violation of this act, and to repeal all laws inconsistent therewith, and to declare an emergency," have had the same under consideration, and direct me to report the same back to the Senate, with the recommendation that they may be placed upon the calendar of the Senate.

Which report was concurred in.

Mr. Beeson, from the committee on temperance, made the following report :

MR. PRESIDENT :

The committee to whom was referred sundry petitions, memorials and resolutions on the subject of temperance, have had the same under consideration, and direct me to report the same back to the Senate with the recommendation that they do lie on the table.

Which report was concurred in.

Mr. Neff, from the committee on claims, made the following report :

MR. PRESIDENT :

The committee to whom was referred the claim of O. Bird for expenses incurred in contesting the seat of John Sarnighausen at the last regular session of the Legislature, have had the same under consideration, and recommend that the claimant be allowed \$199; and the committee further recommend that the President of the Senate issue a warrant on the State Treasury for the same, to be paid out of Legislative appropriations made for the regular session of 1871.

Which report was concurred in.

Senate Bills Nos. 66 and 41 were taken from the table and placed on the calendar of the Senate.

Mr. O'Brien moved that when the Senate adjourn it stand adjourned until 2 o'clock P. M. on to-morrow.

Which was agreed to.

Message from the House, by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the Senate's amendments to House Bill No. 259, entitled "A bill making specific appropriations for the years 1871 and 1872."

I am also directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled acts of the Senate, to wit :

Enrolled Act No. 151, Senate. An act to amend the first section of an act entitled, "An act to amend the first section of an act entitled 'An act for the incorporation of manufacturing and mining companies, and companies for mechanical and building purposes, etc., etc.'"

Also enrolled joint resolution No. 3, Senate. A joint resolution instructing our Senators and requesting our Representatives in Congress, to support an act pending in the Senate of the United States, to enable honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States.

I am also directed to inform the Senate that the House has passed the following engrossed Senate bill, to wit :

Engrossed Senate Bill No. 165. A bill to regulate certain Legislative practice in the two Houses of the General Assembly of the State of Indiana.

I am also directed to inform the Senate that the House has passed the following concurrent resolutions, to wit :

WHEREAS, This General Assembly has passed a concurrent resolution providing for the appointment of a committee consisting of three members of the House and two members of the Senate, whose duty it shall be to correspond with leading architects of the country, and to receive any and all plans and specifications for a State Capitol that may be offered as provided in said resolution.

AND WHEREAS, Said committee has met and organized as required in said resolution, and said committee, believing it to be impracticable to accomplish the objects desired by this General Assembly, with the power conferred in said resolution, beg leave to offer the following :

WHEREAS, The necessity exists for the building of a new State Capitol for the State of Indiana.

AND, WHEREAS, It is the duty of the General Assembly of this State to use due diligence and economy in the construction of public buildings; therefore, be it

*Resolved*, That this General Assembly do hereby offer and award the sum of two thousand dollars as a premium to any architect or architects who may offer through said committee to the General Assembly, plans and specifications, including estimated costs of construction, of building which may be accepted and adopted by this General Assembly, as suitable for use in the construction of a Capitol, such award to be made as follows: One thousand dollars for the best plan and specifications so offered; six hundred dollars for the second best, and four hundred dollars for the third best, the State reserving the right to retain and use either or all the plans and specifications for which premiums are paid.

*Resolved*, That for the purpose of better aiding said committee to discharge their duties herein, they are authorized to visit the capitol and public buildings of the adjacent States, and for the time so employed they shall receive the per diem of members of the General Assembly, and actual expenses paid; and, further, that they advertise as they may deem necessary for said plans and specifications; *Provided, however*, that the State shall not be liable to any person or persons for the payment of any plans and specifications so furnished, *excepting* such as may be accepted by the General Assembly.

I am also directed by the Speaker of the House of Representa-

tives to inform the Senate that he has signed the following enrolled House acts, to-wit :

Enrolled Act No. 148, House of Representatives. An act defining certain felonies and prescribing punishment therefor, compelling testimony of parties engaged therein against others than themselves, declaring contracts with respect thereto void, and repealing all acts in conflict with this act.

I am also directed by the House of Representatives, to inform the Senate, that the House has appointed Messrs. Walker and Thayer, on the part of the House, on the new free conference committee, on Senate Bill No. 166, asked for by the Senate.

I am also directed to inform the Senate, that the House has passed the following engrossed bill thereof, to wit :

Engrossed House Bill No. 230. A bill regulating coal mines, and the working thereof, etc., etc.

I am also directed to inform the Senate, that the Speaker has signed the following enrolled act of the House, to wit :

Enrolled Act No. 163. An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon, and the same is herewith submitted to the Senate for the signature of the President thereof.

Mr. Collett made the following report :

MR. PRESIDENT :

The committee on enrolled bills have compared Enrolled Senate Joint Resolution No. 3, and find it correctly enrolled.

Mr. Hall made the following report :

MR. PRESIDENT :

The joint committee on enrolled bills, have this day submitted to the Governor, for his signature, Joint Resolution No. 3, of the Senate, a joint resolution instructing our Senators to support an act enabling soldiers and sailors to acquire homesteads.



Mr. Hall made the following report :

MR. PRESIDENT :

The committee on enrolled bills, have compared Enrolled Act No. 148, House of Representatives, an act defining certain felonies, and prescribing punishment of parties engaged therein, etc., and direct me to report the same correctly enrolled.

Mr. Collett made the following report :

MR. PRESIDENT :

The committee on enrolled bills, respectfully report, that they have this day, 20th day of December, 1872, presented to the Governor, for his signature, House Bill No. 239, entitled an act supplemental to an act, to authorize aid to the construction of railroads, by county and townships taking stock in, and making donations to railroad companies.

Also House Bill No. 185. An act to legalize the official acts of the Board of Trustees of the town of Huntingsburg.

Also House Bill No. 227. An act providing for the payment of township trustees of all moneys which shall have been collected for either general or specific purposes.

Also House Bill No. 163. An act to provide for a uniform assessment of property, and for the collection and return of taxes therein.

Also House Bill No. 148. An act defining certain penalties, and prescribing punishment therefor, etc.

Also, they have had Senate Bill No. 151, entitled an act to amend the law for the incorporation of manufacturing and mining companies and companies for mechanical and building purposes, and find it correctly enrolled.

Also that enrolled acts of the House, Nos. 172, 134 and 90 have been presented to the Governor for his approval this 20th day of December, 1872.

Mr. Scott moved to suspend the order of business and take up

message from the House in relation to a concurrent resolution thereof.

Which was agreed to.

Senate Bills Nos. 104, 17, 19, 93 and 31 were taken from the table and placed on the calendar.

Mr.\*Dwiggins asked leave of absence for the remainder of the session.

Which was not granted.

Mr. Orr moved to adjourn.

Which was not agreed to.

Mr. Daggy moved that all bills on the table be placed on the calendar.

Which was agreed to.

Messrs. Hubbard, Chapman, Steele, Orr and Williams were granted leave of absence.

On motion by Mr. Slater,

The Senate adjourned until 2 o'clock, P. M., to-morrow.

## SATURDAY AFTERNOON.

DECEMBER 21, 1872, 2 o'clock.

The Senate met.

On motion by Mr. Daggy,

The reading of the Journal of yesterday was dispensed with.

Message from the House by Mr. Nixon, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate, that he has signed enrolled act of the House of Representatives No. 259. An act making the specific appropriations for the years 1871 and 1872, and the same is herewith submitted to the Senate for the signature of the President thereof.

Mr. Collett made the following report:

MR. PRESIDENT:

The committee on enrolled bills, respectfully report that they have this day presented to the Governor, for his signature, the following enrolled act, to wit:

Enrolled Act of the Senate No. 166. An act regulating the sale of county property, and the letting of public buildings, bridges, fences and monuments, and declaring an emergency.

Message from the House by Mr. Nixon, clerk thereof.

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Senate, that the House has passed the following concurrent resolution:

*Resolved*, By the House of Representatives, the Senate concurring, that the General Assembly will adjourn, *sine die*, to-morrow, at 10 o'clock A. M.

Also, the following :

*Resolved*, By the House of Representatives, the Senate concurring, that there shall be appointed a committee of nine, six on the part of the House, and three on the part of the Senate, to be so distributed as near as possible, to represent the different parts of the State, who shall make an equalization of the Judicial Circuits and Districts of the State, taking as a basis a population of not less than 60,000 inhabitants, as near as may be, and requiring, as near as may be, the time of each judge, for at least forty weeks in each year, and that said committee report to the Senate and House of Representatives, a bill creating said several circuits and districts, at the regular session. Said circuits shall be made with reference to the present residence of the judges. Said committee shall have power to sit during the vacation between the special and regular session, and shall be allowed for their services, five dollars per day each, for each day engaged on said committee.

Mr. Hall moved to suspend the order of business and take up the message from the House,

Which was agreed to.

The question being on the adoption of the concurrent resolution in regard to the adjournment of the General Assembly,

Mr. Sleeth moved to amend by striking out the words "10 o'clock A. M.," and inserting "12 o'clock midnight."

Which was agreed to.

The question being on the adoption of the resolution as amended,

It was agreed to.

The question being on the adoption of the concurrent resolution providing for a joint committee to re-arrange the judicial circuits and districts of the State,

Mr. Hall offered the following amendment :

*Resolved*, That the Governor is hereby requested to appoint a committee of five, who shall report by bill or otherwise, such changes as will, in their opinion, improve our judicial system.

Mr. Daggy moved to lay the whole subject on the table.

Which was agreed to.

Mr. Brown, Mr. Orr in the Chair, offered the following resolution:

*Resolved*, That the thanks of the Senate are due the Hon. Geo. W. Friedley for the able, courteous and impartial manner in which he has discharged the duties of President of the Senate.

Which resolution was adopted.

Mr. Brown offered the following resolution:

*Resolved*, That the thanks of the Senate are due D. H. Olive and P. P. Culver and their assistants for the faithful and obliging manner in which they have discharged the duties of their respective offices.

Which resolution was adopted.

Message from the Governor by John M. Commons, his Private Secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following acts, viz.:

Enrolled Act of the Senate No. 3. Entitled "An act to amend section 4 of an act entitled 'an act concerning the organization and perpetuity of voluntary associations and repealing an act entitled an act concerning voluntary associations, and repealing former laws in reference thereto,' approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act," approved February 20, 1867, and declaring an emergency.

Enrolled Act of the Senate No. 87. Entitled "An act granting

the consent of the State of Indiana, to the purchase by the United States, of certain lands for the purpose of the erection of a public building at Evansville, and ceding jurisdiction over the same, and declaring an emergency," and that said acts have been deposited in the office of the Secretary of State.

Message from the House, by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed the following enrolled acts of the Senate, to wit:

Enrolled Act No. 145, Senate. An act in relation to the organization of the two Houses of the General Assembly, prescribing the number of officers and employes of each House, and regulating their duties.

Also, Enrolled Act No. 165, Senate. An act to regulate certain matters of legislative practice in the two Houses of the General Assembly of the State of Indiana, and declaring an emergency.

And the same is herewith transmitted to the Senate for the signature of the President thereof.

On motion, by Mr. Scott,

The message of the Governor, announcing the appointment of Hon. Richard W. Thompson as a trustee of the State Normal School for the term of four years from the 20th day of December, 1869, was taken up.

On motion, by Mr. Scott,

The Senate confirmed said appointment.

Mr. Scott offered the following concurrent resolution:

A concurrent resolution to provide for the publication of a certain act therein named.

WHEREAS, The General Assembly at the present session thereof, passed an act which has become a law of the State, entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon." And,

WHEREAS, From the voluminous character of the act, and intricacy of the subject it is possible that such defects in the act may become apparent as to require supplemental or amendatory legislation at the approaching regular session, therefore, to the end that said act may, at the earliest practicable time, be placed in the hands of the county officers, to whom its execution in a great measure will be extended,

*Resolved*, By the Senate, the House of Representatives concurring, that the Secretary of State be and is hereby directed to cause one thousand copies of said act to be printed in pamphlet form as soon as possible, and that he cause six copies of said act, when so published, to be transmitted without delay, by mail, to the county auditor of each county for the use of the county officers.

Mr. Daggy moved to lay the resolution on the table.

Which was not agreed to.

The question recurring on the adoption of the resolution,

It was agreed to.

Mr. Collett made the following report :

MR. PRESIDENT :

The Committee on Enrolled Bills would report that they have this day submitted to the Governor for his approval the following Enrolled Acts, to-wit :

Enrolled Senate Act No. 151, Enrolled Senate Act No. 165, and Enrolled Senate Act No. 145.

Mr. Collett made the following report :

MR. PRESIDENT :

The committee on enrolled bills would report that they have carefully compared enrolled House act No. 259, "An act making specific appropriations for the years 1871 and 1872 ;" enrolled Senate act No. 165, "An act to regulate certain legislative practices in the two Houses of the General Assembly ;" Senate act No. 145, "An act in relation to the organization of the two Houses of the General

Assembly respecting the number of officers and employes of each House and prescribing their duties," etc.; and enrolled Senate act No. 166, "An act regulating the sale of county property, and the letting of public buildings, bridges, fences, and monuments," with the engrossed bills, and find them correctly enrolled.

Mr Beeson offered the following :

*Resolved*, That the Doorkeeper be allowed one set of statutes of Gavin & Hord, including Davis' Supplement.

Which resolution was adopted.

Mr. Cave offered the following :

*Resolved*, That the Doorkeeper be required to furnish to the Senate a detailed statement showing the number of articles purchased for the use of the Senate chamber and the committee rooms, and the price paid for each article so purchased. Also, the number of rooms held and occupied as committee rooms, and the amount of rent paid for each room so held.

Which resolution was adopted.

Message from the House, by Mr. Nixon, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled act of the Senate, to wit :

Enrolled Act No. 166. An act regulating the sale of county property, and the letting and building of public buildings, bridges, fences, and monuments, and declaring an emergency, and the same is herewith transmitted to the Senate for the signature of the President thereof.

Mr. Scott moved that the State Librarian be instructed to make such improvements in the Senate Chamber as the committee appointed on yesterday may recommend.

Which was agreed to.



The President announced that he had signed Enrolled Senate Acts Nos. 145, 165 and 166.

Message from the House, by Mr. Nixon, Clerk thereof.

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has concurred in the following resolution of the Senate, to-wit:

A concurrent resolution to provide for the publication of a certain act therein named.

WHEREAS, The General Assembly at the present session thereof, passed an act which has become a law of the State, entitled, "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," and

WHEREAS, From the voluminous character of the act, and the intricacy of the subject, it is probable that such defects in the act may become apparent as to require supplemental or amendatory legislation at the approaching regular session ; therefore, to the end that said act may, at the earliest practicable time, be placed in the hands of the county officers, to whom its execution in a great measure will be entrusted,

*Resolved by the Senate, the House of Representatives concurring,* That the Secretary of State be, and is hereby directed to cause one thousand copies of said act to be printed in pamphlet form as soon as possible, and that he cause six copies of such act, when so published, to be transmitted without delay by mail, to the county auditor of such county, for the use of the county officers.

On motion by Mr. Beardsley,

The Senate adjourned.

## SUNDAY MORNING.

DECEMBER, 22, 1872, 10 o'clock.

The Senate met.

On motion by Mr. Dittemore,

The reading of the Journal of yesterday was dispensed with.

Mr. Daggy moved that a committee of three be appointed to wait on His Excellency, the Governor, and inquire if he had any further communication to make to the General Assembly.

Which was agreed to.

Therefore, the President appointed Messrs. Daggy, Dittemore and Beardsley as such committee.

Mr. Daggy, from the select committee to wait on His Excellency, the Governor, had performed that duty, and that the Governor had no further communication to make to the General Assembly.

On motion by Mr. Beardsley,

The Senate took a recess until 2 o'clock P. M.

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AFTERNOON SESSION.

The Senate re-assembled at 2 o'clock.

Mr. Daggy moved the Secretary be instructed to inform the House of Representatives that the Senate had no further business to

transact, and to ask the House if they had any communication to make to the Senate.

Which motion was agreed to.

Mr. Dittemore moved that the Senate take a recess until 7 o'clock P. M.

Which was agreed to.

Message from the House by Mr. Nixon, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has now no further business to transact with that body at this session.

Mr. Daggy moved that the Senate do now adjourn.

Which was agreed to.

Mr. Brown moved that the Senate take a recess until 7:30 o'clock P. M.

Which was agreed to.

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#### EVENING SESSION.

The Senate re-assembled at 7:30 o'clock.

Mr. Dittemore offered the following:

*Resolved*, That the select committee of three heretefore appointed by the Senate to investigate the cause of the failure of the Auditor of State to distribute the sinking fund of the State to the various counties under the act of 1871, be authorized to continue its investigations after the adjournment of the present session and report its investigation to the next session of the General Assembly, and the

said committee shall have for their service during the time they shall be actually engaged, the same compensation allowed members of the General Assembly.

Which resolution was adopted.

Mr. Dittmore offered the following claim, accompanied by a resolution :

*The State of Indiana to Henry Coleman,*

*Dr.*

For washing towels for the use of the Senate at the Special Session of 1872.....\$10

I, T. W. Pease, Doorkeeper, do hereby certify that the foregoing bill is correct.

*Resolved*, That Henry Coleman be allowed the sum of (\$10) ten dollars, for washing towels, etc., for the use of the Senate during the present session of the General Assembly, and that the President of the Senate be authorized to draw his warrant on the Auditor of State for that amount.

Which resolution was adopted.

Mr. Brown moved that the Senate adjourn.

Whereupon, President Friedley spoke as follows :

#### THE PRESIDENT'S FAREWELL ADDRESS.

GENTLEMEN OF THE SENATE:—Before putting the motion, I desire to say a single word. I have no language adequate to express the gratitude I feel toward you for your kindness during the session just closed, and especially for the very complimentary manner in which you saw proper to mention my name in the resolution adopted yesterday. When, by your kindness, I was, at the beginning of the session, selected as your presiding officer, I was wholly without experience, and if I have been in any degree successful in the discharge of the duties of the position, I must attribute that success to your constant assistance. That I have

made mistakes I freely admit; but I beg Senators to believe that they have been mistakes of the head and not of the heart. My relations, both personal and official, have been of the most agreeable character with every Senator upon this floor, and the friendship that we have formed while here will always be cherished by me with feelings of the most lively satisfaction. And now that we are about to separate to enjoy the Christmas of 1872 and the New Year of 1873, with our families and friends at home, I beg to express the wish that Christmas may be a merry one, and that New Year a happy one with each of you. May sorrow and sadness never cast their dark shadow over your homes.

The motion to adjourn being then put and carried in the affirmative, the President declared the Senate adjourned without day.

D. H. OLIVE,  
Secretary Indiana Senate.

P. P. CUVLER,  
Assistant Secretary



# CALENDAR

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*Of Bills and Joint Resolutions introduced and pending in the Senate upon the adjournment of the Special Session, December, 22, 1872. Also, House Bills and Joint Resolutions received and pending in the Senate, at the adjournment, December 22, 1872. Prepared by D. H. Olive, Secretary of the Senate.*

No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	ACTION ON.
1	November 14.	A BILL to repeal an act entitled "An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands, by incorporated companies; and to repeal all former laws relating to the same subject," approved on the 22d day of May, 1869. Also, an act to repeal an act supplemental to an act entitled "An act to authorize and encourage the erection of levees, dykes and drains, and reclamation of wet and overflowed lands, by incorporated companies; and to repeal all former laws relating to the same subject." Which act took effect May 22, 1869; and prescribing penalties for the violations of the provisions thereof. Which last named act was approved on the 22d day of February, 1871.	Dwiggins.	Passed December 10, 1872.
2	November 14.	A BILL to authorize and regulate the incorporation of banks of discount and deposits in the State of Indiana.	Dangherty.	Passed December 16, 1872.
3	November 14.	A BILL to amend Section 4 of an act, entitled "An act authorizing the organization and perpetuity of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855; and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act, approved February 20, 1857, and declaring an emergency.	Steele.	Passed December 12, 1872.
4	November 14	A BILL to provide for the assessment and collection of taxes for municipal purposes on the shares of stock owned in banks and banking associations doing business in this State.	Gregg.	Read first time, Nov 14; read second time by title, Nov. 18, and referred to Committee on Banks; reported back Dec. 13, with substitute. On second reading. Passed December 11, 1872.
5	November 14.	A BILL to require railroad companies to issue stock paid for by taxes voted for in construction of railroads, to the taxpayers or their assigns, and to issue unclaimed stock for the benefit of the Common School Fund.	Taylor.	
6	November 15.	A BILL to regulate and make uniform the price charged by railroad companies, for transporting goods, wares, merchandise and other property to and from stations on railroads in the State of Indiana; prescribing the duty of certain officers in relation thereto; prescribing penalties for the violation thereof, and declaring an emergency.	Williams.	Passed December 11, 1872.

# CALENDAR OF SENATE BILLS—Continued.

566

No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	ACTION ON.
7	November 15.	A BILL to repeal an act entitled "An act to authorize aid to the construction of railroads by counties and townships, taking stock in and making donation to railroad companies," approved May 12, 1869, and declaring an emergency.	Fuller.	Read first time November 15; read second time by title November 18, and referred to Committee on Railroads.
8	November 15.	A BILL to provide for the holding of Courts in the Twenty-fifth Common Pleas District of the State of Indiana.	Smith.	Passed November 27, 1872.
9	November 15.	A BILL fixing the salaries of the Judges of Supreme, Circuit, Criminal and Common Pleas Courts of this State, providing how salaries shall be paid, repealing all laws or parts of laws in conflict therewith, and declaring an emergency.	Thompson.	Read first time November 15; read second time by title November 18, and referred to Committee on Fees and Salaries. Reported back December 11, with amendments. On second reading.
10	November 15.	A BILL to amend section 38 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers, rights, and the manner in which they shall exercise the same," and to regulate such other matters as properly pertain thereto," approved March 19, 1867, and declaring an emergency.	Sarnighausen.	Passed December 12, 1872.
11	November 15.	A BILL to fix the time of holding the Circuit Courts in the several counties of the Third Judicial Circuit, and repealing all laws in conflict therewith and declaring an emergency.	Cave.	Read first time November 15; read second time by title November 18, and referred to a select committee consisting of Messrs. Cave, Williams, and Carnahan.
12	November 15.	A BILL to give right of action for injuries in certain cases.	Beecon.	Read first time November 15; read second time by title November 18, and referred to Committee on Temperance. Reported back December 20. On second reading.
13	November 15.	A BILL requiring Railroad Companies organized under any laws of the State of Indiana to keep their principal office of business within the State, and to have a majority of Directors resident within the State of Indiana and along the line of railroad.	Williams.	Read first time November 15; read second time by title November 18, and referred to Committee on the Judiciary. Reported back November 25, and recommended to the Committee on Railroads; reported back December 5, and ordered to lie on the table; taken up and placed on Calendar.
14	November 15.	A BILL to amend section 5 of an act entitled "An act concerning mortgages," approved May 1, 1852.	Smith.	Read first time December 15; read second time by title November 18, and referred to Committee on the Judiciary. Reported back November 26. On second reading.
15	November 18.	A BILL to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings, and pay debts contracted for the erection of school buildings;	Hubbard.	Passed December 19, 1872.



16	November 18	and purchase of grounds and buildings for school purposes, and authorizing the levy and collection of an additional special school tax for the payment of principal and interest of such bonds, and legalizing such contracts heretofore entered into, and declaring an emergency. A BILL authorizing suits to be brought in partnership name only in certain cases, and declaring the effect thereof.	Taylor.	Read first time November 18; read second time by title November 20, and referred to Committee on the Judiciary. Reported back with amendments and ordered to lie on the table; taken up and placed on Calendar, December 20.
17	November 18.	A BILL to amend section 2 of an act entitled an act approved March 11, 1861, to amend section 8 and section 10 of an act entitled a act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852.	Orr.	Read first time November 18; read second time by title November 20, and referred to the Committee on the Judiciary. Reported back November 20, and ordered to lie on the table; taken up December 20, and placed on Calendar.
18	November 18.	A BILL repealing an act entitled "An act authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same," approved May 14, 1853, and also repealing an act authorizing the construction of plank, macadamized and gravel roads, approved March 11, 1857.	Mill-r.	Read first time November 18; Read second time by title November 20, and referred to Committee on Roads. Reported back November 21; read a second time November 25, and recommitted to the Committee on the Judiciary November 25. Reported back December 13; on engrossment.
19	November 18.	A BILL amending an act entitled "An act regulating the granting of divorces, nullification of marriages and decrees and orders of Court incident thereof.	Neff.	Read first time November 18; read second time by title November 20, and referred to the Committee on the Judiciary. Reported back November 27, and ordered to lie on the table. Taken up December 20, and placed on Calendar.
20	November 18	A BILL relative to the sale of real estate on execution owned by husband and wife.	Armstrong.	Read first time November 18; read second time by title November 20, and referred to Committee on the Judiciary. Reported back November 27, and ordered to lie on the table. Taken up December 20 and placed on the Calendar.
21	November 18.	A BILL repealing section 1 of an act entitled "An act prescribing the duties and fixing the compensation of State Agent", approved June 17, 1852, and authorizing and requiring the Secretary of State to perform the duties thereof, and amending section 4 of said act, and declaring when this act shall take effect.	Gregg.	Read first time November 18; read second time by title November 20, and referred to the Committee on the Judiciary. Reported back December 9, and ordered to lie on table December 20. Taken up and placed on Calendar.
22	November 18.	A BILL regulating the interest on money.	Beardsley.	Read first time November 18; read second time by title November 20, and referred to Committee on the Judiciary.
23	November 18.	A BILL to authorize the county commissioners of the several counties of this State to appropriate money to aid in putting or keeping in repair any canal running in through or along such county.	Bird.	Read first time November 18; read second time by title November 20, and referred to a select Committee consisting of Messrs. Bird, Daugherty, Miller, Taylor and Collett. Reported back November 22, recommitteed to the Committee on the Judiciary December 2. Reported back December 13, with amendments. On second reading.
24	November 18.	A BILL to amend section 20 of an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved December 20, 1855.	Cave.	Read first time November 18; read second time by title November 20, and referred to Committee on County and Township business. Reported back with amendments, December 5; read second time December 13, and ordered engrossed. On third reading.

# CALENDAR OF SENATE BILLS—Continued.

No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	ACTION ON.
25	November 19.	A BILL to repeal an act entitled "An act regulating the fees, salaries and duties of certain officers therein named, and prescribing penalties for the violation of its provisions," and to revive all laws repealed thereby, and declaring an emergency.	O'Brien.	Read first time November 19; read second time by title November 20, and referred to Committee on Fees and Salaries. Reported back December 19, and ordered to lie on the table. Taken up December 20, and placed on Calendar.
26	November 19.	A BILL amending section 87 of an act entitled "An act regulating descents and the apportionment of estates," approved May 14, 1852.	Neff.	Read first time November 19; read second time by title November 20, and referred to the Committee on the Judiciary. Reported back November 25, and ordered to lie on the table. Taken up December 20, and placed on Calendar.
27	November 19.	A BILL to legalize certain acts of corporations, organized or attempted to be organized under and by virtue of "An act authorizing the construction of plank, macadamized and gravel roads," approved May 12, 1852, and acts supplemental thereto.	Glessner.	Read first time November 19; read second time by title November 20, and referred to Committee of the Corporation. Reported back December 7, with amendments. On second reading.
28	November 19.	A BILL to amend section 1 of an act entitled "An act providing for the completion of the unfinished business of any session of the General Assembly by the next succeeding special session of the same General Assembly."	Orr.	Read first time November 19, constitutional rule suspended; read second time by title and referred to the Committee on the Judiciary. Reported back November 27, and ordered to lie on the table. Taken up December 20, and placed on Calendar.
29	November 19.	A BILL to provide for the enlargement of the State House grounds by vacating a certain street and alley therein named, and by acquiring certain real estate therein described, in order to furnish a suitable site for a new State House.	Thompson.	Read first time November 19; read second time by title November 20, and referred to Committee on Public Buildings. Reported back December 5. On second reading.
30	November 19.	A BILL to amend the title and the first section of "An act to organize a Supreme Court, and prescribing certain duties of the Judges thereof."	O'Brien.	Read first time Nov. 19; read second time by title Nov. 20, and referred to Committee on Organization of Courts. Reported back with amendments; ordered to lie on the table; Dec. 20, taken up and placed on Calendar.
31	November 19.	AN ACT supplemental to "An act authorizing the assessment of lands for plank, macadamized, and gravel road purposes, prescribing the manner of assessing and collecting the same," and repealing the law on that subject, approved March 11, 1867; the act aforesaid having been at approved May 14, 1873, and repealing so much of said act as affects such companies, not organized at the taking effect of this act.	Glessner.	Read first time, Nov. 19; read second time by title, Nov. 20, and referred to Committee on Corporations. Reported back Dec. 5; laid on the table; one hundred and fifty copies ordered printed; Dec. 20 taken up and placed on Calendar.
32	November 19.	A BILL to legalize the sale of seminary lands in Jasper county to Marion L. Spitzer and Margaret Sackhouse, and directing how the proceeds of said sale shall be applied, and declaring an emergency.	Dwiggins.	Read first time Nov. 19; read second time by title Nov. 20, and referred to Committee on Corporations. Reported back Nov. 20; on second reading.
33	November 19.	A BILL to amend an act entitled "An act to incorporate the Indiana Fire and Marine Insurance Company."	Beardsley.	Read first time Nov. 19; read second time by title Nov. 20, and referred to Committee on Corporations. Reported back Nov. 19; read second time by title Nov. 20, and referred to Committee on Corporations. Re-

34	November 19.	A BILL to amend section ninety and section one hundred and three of an act entitled "An act to revise, simplify, and abridge the rules, practice, and pleadings, and to legislate in criminal actions in courts of this State," approved June 17, 1852, and declaring an emergency.	Hough.	ported back, Dec. 5, with amendments; on second reading.
35	November 19.	A BILL to amend sections 17 and 23 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1872.	Gregg.	Read first time Nov. 19; read second time by title Nov. 20, and referred to Committee on the Judiciary. Reported back Dec. 19, and ordered to lie on the table; Dec. 20 taken up and placed on the Calendar.
36	November 19.	A BILL to amend section 17 of an act entitled "An act to provide for opening, vacating, and change of highways," approved June 17, 1852.	Neff.	Read first time Nov. 19; read second time by title Nov. 20, and referred to Committee on the Judiciary. Reported back Nov. 27, with amendments; on 2d reading.
37	November 19.	AN ACT to amend section 17, of an act entitled "An act to provide for opening, vacating, and change of highways," approved June 17, 1852.	Cave.	Read first time Nov. 19; read second time by title Nov. 20, and referred to Committee on Roads. Reported back Nov. 21; on second reading.
38	November 19.	AN ACT supplemental to an act, approved February 25, 1853, entitled "An act appointing commissioners to sell certain real estate therein named, to provide residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matter's properly connected therewith."	Gooding.	Passed Dec. 5, 1872.
39	November 19.	A BILL to amend an act entitled "an act to authorize and encourage the construction of levees, dykes, and drains, and the reclamation of wet and overflowed lands, by incorporated companies, and to repeal all former laws relating to the same subject," which took effect without executive approval, on the 22d day of May, 1859, for the repeal of section 13 thereof, and declaring an emergency.	Boone.	Read first time Nov. 19; read second time by title Nov. 20, and referred to Committee on Agriculture. Reported back Dec. 3; ordered to lie on the table, and 100 copies be printed; Dec. 20 taken up and placed on Calendar.
40	November 19.	A BILL to amend section 2 of an act entitled "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855, and declaring an emergency.	Thompson.	Passed Dec. 16, 1872.
41	November 19.	A BILL to amend section 5 of an act entitled "An act to regulate and to license the sale of spirituous, vinous, malt, and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing the penalties for violation thereof," approved March 5, 1859.	Slater.	Read first time Nov. 19; read second time by title Nov. 20, and referred to Committee on Temperance. Reported back Dec. 5, and ordered to lie on the table; Dec. 20 taken up and placed on Calendar.
42	November 19.	A BILL to repeal section 15 of an act entitled "An act concerning promissory notes, bills of exchange, bonds, or other instruments in writing, signed by any person who promises to pay money, or acknowledge money to be due, or for the delivery of any specific article, or to convey property, or to perform any stipulation therein mentioned, and repealing all laws coming in conflict therewith," approved March 11, 1861; also to repeal an act entitled "An act providing for the redemption of real property, or any interest therein, sold on execution, or order of sale, and providing for the issue of certificates of purchase in such cases, and for the execution of conveyances and repealing all laws in conflict therewith," approved June 4, 1861.	O'Brien.	Read first time Nov. 19; read second time by title Nov. 20, and referred to Committee on the Judiciary. Reported back Dec. 13, and ordered to lie on the table; Dec. 20 taken up and placed on Calendar.

# CALENDAR OF SENATE BILLS—Continued.

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No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	ACTION ON.
✓ 43	November 19.	A BILL to authorize the construction of levies, dykes, and drains, by incorporated companies, and to repeal all former laws relating to the same subject, and declaring an emergency.	Beardsley.	Read first time Nov. 19; read second time by title Nov. 20, and referred to Committee on Corporations. Reported back Dec. 6, and ordered to lie on the table; Dec. 20 taken up and placed on Calendar.
✓ 44	November 20.	A BILL to amend an act entitled "An act to establish a House of Refuge for the correction and reformation of juvenile offenders," approved March 8, 1867, and repealing section 11 of said act, and declaring an emergency.	Bacon.	Read first time Nov. 20; read second time by title Nov. 22, and referred to Committee on Reformatory Institutions. Reported back Nov. 23; on engrossment.
✓ 45	November 20.	A BILL to provide for the permanent inclosure of Tippecanoe Battle Ground.	Taylor.	Passed Dec. 11, 1872.
✓ 46	November 20.	A BILL repealing section 41 of an act entitled "An act prescribing who may make a will, the effect thereof, what may be devised, testating the revocation, admission to probate, and contest thereof," and declaring an emergency.	Neff.	Read first time Nov. 20; read second time Nov. 23, and referred to Committee on the Judiciary. Reported back Dec. 13, and ordered to lie on the table. Dec. 20 taken up and placed on Calendar.
✓ 47	November 20.	A BILL to repeal an act entitled "An act providing for the protection of fish, and repealing all laws in conflict with the same, prescribing penalties for the violation thereof," approved February 22, 1871.	Cave.	Read first time Nov. 20; read second time Nov. 23, and referred to Committee on County and Township Business. Reported back Dec. 5, and ordered to lie on the table; Dec. 20 taken up and placed on Calendar.
✓ 48	November 21.	A BILL to amend sections one and eight of an act entitled "An act to establish a home for the maintenance of sick and disabled Indiana soldiers and seamen, and their widows and orphans," approved March 11, 1867, and section two of an act supplemental thereto, approved May, 14, 1870.	Thompson.	Passed Dec. 19, 1872.
✓ 49	November 21.	A BILL to amend section twenty-two of an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, and declaring an emergency.	Hough.	Read first time Nov. 21; read second time by title Nov. 23, and referred to Committee on Corporations. Reported back Dec. 12, with amendments; read 2d time Dec. 14; amendments concurred in. On engrossment.
✓ 50	November 21.	A BILL to correct, and define more correctly, the boundary lines between the counties of Washington and Clark, approved June 7, 1832, and declaring an emergency.	Bowman.	Read first time Nov. 21; read second time Nov. 23, and referred to a select committee. Reported back November 27.
✓ 51	November 21.	A BILL to amend section one of an act entitled "An act to organize a Supreme Court, and prescribing certain duties of the Judges thereof."	Taylor.	Passed Dec. 9, 1872.
✓ 52	November 21.	A BILL dividing the State into Supreme Court Judicial Districts.	Taylor.	Passed Dec. 9, 1872.
✓ 53	November 22.	A BILL creating the Twenty-Sixth Judicial District, composed of the county of Shelby, fixing the time of holding Courts therein, providing for the return of process, and repealing all laws in conflict therewith.	Glessner.	Read first time November 22; read second time November 23; and referred to Committee on Organization of Courts.
✓ 54	November 22.	A BILL to divide the State of Indiana into Congressional Districts.	Friedley.	Passed December 16, 1872.

✓ 55	November 22.	A BILL providing for the relocation of County seats, and repealing all laws in conflict therewith.	Steele.	Read first time November 22; read second time November 23, and referred to Committee on County and Township Business.
✓ 56	November 22.	A BILL to amend sections 22 and 57 of an act entitled "An act for the incorporation of towns, denning their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852, which section was amended and approved March 2, 1853, and declaring an emergency.	Dwiggins.	Read first time November 22; read second time November 23, and referred to Committee on Corporation. Reported back with amendments, December 6. On second reading.
✓ 57	November 22.	A BILL to repeal an act entitled "An act to prevent the breaking of a quorum in the General Assembly, and prescribing punishment therefor," approved February 7, 1857.	Glesener.	Read first time Nov. 22; read second time Nov. 23, and referred to Committee on the Judiciary. Reported back Dec. 13, and indefinitely postponed.
✓ 58	November 22.	A BILL to repeal an act entitled "An act to enforce the Thirtieth Article of the Constitution," approved June 15, 1852.	Dwiggins.	Withdrawn.
✓ 59	November 22.	A BILL to amend section 16 of an act to authorize aid to the construction of railroads by counties and townships taking stock in, and making donation to Railroad Companies.	Haworth.	Passed December 14, 1872.
✓ 60	November 22.	A BILL regulating interest on all judgments decrees, and repealing all laws in conflict with this act.	Orv.	Read first time Nov. 22; read second time Nov. 23, and referred to Committee on the Judiciary. Reported back December 13, and indefinitely postponed.
✓ 61	November 22.	A BILL to protect society against dangerous consequences arising from setting at liberty persons who may have been acquitted of any murder, manslaughter, robbery, arson, rape, larceny or other felony upon the plea and defense of insanity.	Thompson.	Read first time November 22; read second time November 23, and referred to Committee on the Judiciary. Reported back December 13, and indefinitely postponed.
✓ 62	November 22.	A BILL to amend the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th and 13th sections of an act entitled "An act to incorporate the town of Bluffton," approved February 12, 1851, and also to repeal section 11 of said act.	Daugherty.	Read first time November 22; read second time November 23, and referred to Committee on Corporations. Reported back November 26. On second reading.
✓ 63	November 22.	A BILL in relation to promissory notes, bank checks and bills of exchange, and to designate the holidays to be observed in the presentment, acceptance and payment of the same.	Sarnighausen.	Read first time November 22; read second time November 23, and referred to Committee on Banks. Reported back December 7. On second reading.
✓ 64	November 22.	A BILL for the collection and publication of statistics.	Haworth.	Read first time Nov. 22; read second time Nov. 23, and referred to Committee on Emigration and Statistics.
✓ 65	November 22.	A BILL granting the consent of the State of Indiana to the purchase by the United States of certain lands for the purpose of the erection of a public building at Indianapolis, and ceding jurisdiction over the same.	Thompson.	Passed December 3, 1872.
66	November 22.	A BILL to empower the Boards of Trustees of incorporated towns to regulate license, or restrain the sale of spirituous, vinous, malt and other intoxicating liquors, and the keeping of billiard tables for rent or hire within their corporate limits, and declaring an emergency.	Sleeth.	Read first time November 22; read second time November 23, and referred to Committee on Corporations.
✓ 67	November 22.	A BILL to amend section 29 of an act entitled "An act providing for the election and qualification of Justices of the Peace and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.	Gooding.	Read first time Nov. 22; read second time Nov. 23, and referred to Committee on Judiciary. Reported back December 13, and indefinitely postponed.
✓ 68	November 22.	A BILL to amend the second section of an act entitled "An act creating the Twenty-third Common Pleas District, and making provisions therefor and repealing all conflicting laws," approved March 11, 1857, providing for the return of process and declaring an emergency.	Rhodes.	Passed December 12, 1872.

# CALENDAR OF SENATE BILLS—Continued.

572

No	WHEN INTRODUCED.	TITLE.	BY WHOM.	ACTION ON.
✓ 69	November 22.	A BILL to authorize and empower cities incorporated under any general law of this State for the incorporation of cities and owning real estate, to sell and convey the same in whole or in parcels as the Common Council of such city or cities may deem expedient, and prescribing in what manner the same may be conveyed, and declaring an emergency.	Sarnughausen.	Read first time November 22; read second time November 23, and referred to Committee on Corporations. Reported back December 5.
70	November 23.	A BILL making specific appropriation for the purchase of additional land for the erection of buildings for workshops and barns, and purchase of suitable apparatus for fighting the buildings with gas for the use and benefit of the Indiana Soldiers' Orphan Home at Knightstown Springs, Rush County, Indiana, and declaring an emergency.	Sleeth.	Read first time November 23d; read second time by title November 25, and referred to Committee on Benevolent Institutions.
✓ 71	November 23.	A BILL to amend section 7 and 49 of an act entitled "An act providing for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereof, and certain forms to be used in such settlement," approved June 15, 1852.	Carnahan.	Passed December 20, 1872.
✓ 72	November 23.	A BILL to amend the 39th section of the act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State; to establish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.	Thompson.	Read first time November 23; read second time by title November 25, and referred to the Committee on the Judiciary. Reported back Dec. 3. On second reading.
✓ 73	November 23.	A BILL to amend Sections 15 and 16 of an act, entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof and declaring their duties," approved June 11, 1852, and providing for the election of the Town Marshal by the Town Trustees, and declaring an emergency.	Beardsley.	Read first time November 23; read second time by title November 25, and referred to Committee on Corporations. Reported back December 3. On second reading.
✓ 74	November 23.	A BILL to legalize the acts and proceedings of Boards of County Commissioners in certain cases, and declaring an emergency.	Rhodes.	Read first time November 23; read second time by title November 25, and referred to the Committee on County and Township Business. Reported back Dec. 5. On second reading.
✓ 75	November 23.	A BILL defining the law of verbal slander, and fixing the penalty therefor.	Collett.	Read first time Nov. 23; read second time by title Nov. 20, and referred to Committee on the Judiciary. Reported back Dec. 3; on second reading.
✓ 76	November 23.	A BILL defining the laws and crime of libel and prescribing the punishment thereof, and declaring an emergency.	Collett.	Read first time Nov. 23; read second time by title Nov. 25, and referred to Committee on the Judiciary. Reported back Dec. 3. On second reading.
✓ 77	November 23.	A BILL to amend Section 476 of an act, entitled "An act to revise,	Hough.	Read first time Nov. 23; read second time by title

**Nov. 25, and referred to Committee on Organization of Courts.** Reported back Dec. 6. On second reading.

Read first time Nov. 23; read second time Nov. 15 by title, and referred to Committee on Organization of Courts. Reported back Dec. 7; ordered to lie on table; taken up Dec. 12. On second reading.

Read first time Nov. 23; read second time by title Nov. 25, and referred to Committee on Rights and Privileges. Reported back Dec. 7, and ordered to lie on the table. Dec. 20, taken up and placed on Calendar.

Read first time Nov. 23; read second time by title Nov. 25, and referred to Committee on Rights and Privileges of the Inhabitants of the State. Reported back Dec. 8, with amendment, and ordered to lie on the table. Dec. 20, taken up and placed on Calendar.

Read first time Nov. 23; read second time by title Nov. 25, and referred to Committee on Roads. Reported back Dec. 8, and ordered to lie on the table. Taken up and placed on Calendar.

Read first time November 25; constitutional rules suspended and read second time; ordered engrossed. On third reading.

Read first time Nov. 25; read second time by title Nov. 27, and referred to the Committee on the Judiciary. Reported back Dec. 3; ordered to lie on table; taken up and placed on Calendar Dec. 20.

Read first time Nov. 25; read second time by title Nov. 27, and referred to Committee on Rights and Privileges of the Inhabitants of the State. Reported back Dec. 7, and ordered to lie on the table; Dec. 20, taken up and placed on Calendar.

Passed December 6, 1872.

Read first time November 27; read second time by title December 2, and referred to the Committee on Education. Reported back December 16, and indefinitely postponed.

simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1862.

A BILL to amend Section 19 of an act, entitled "An act prescribing the powers and duties of Justices of the Peace in State prosecutions," approved May 29, 1852, and declaring an emergency.

A BILL to amend the 1st section of an act, entitled "An act to authorize any person desiring to erect a flouring mill, or other machinery to be propelled by water, on his own land, to make a race-way below such mill or machinery, through lands belonging to other persons, and to regulate the assessment and payment of damages therefor," (2d Davis & Hord.) approved March 1, 1853.

A BILL to amend an act, entitled "An act providing for the protection of fish, and repealing all laws in conflict with the same; prescribing penalties for the violation thereof."

A BILL to authorize the election of a County Engineer and three road commissioners, and the appointment of an examiner of county engineers, and defining their qualifications and duties, and providing for the laying out, locating, changing, and vacating, constructing, repairing and maintaining public highways, and for levying, collecting and expending road tax, and repealing all laws and parts of laws in conflict therewith.

A BILL to amend Section 9 of an act, entitled "An act to provide for electing electors for President and Vice President of the United States," approved May 29, 1852, and declaring an emergency.

A BILL defining the offence of libel, making the same a misdemeanor and proscribing the punishment thereof.

A BILL to protect the citizens of the State of Indiana from empiricism and to elevate the medical profession.

A BILL to protect the Wabash and Erie Canal, and the tolls and revenues thereof, from sale or sequestration for the satisfaction of the lien of certain bonds or stocks of the State, issued prior to the transmission of said canal to the present Board of Trustees thereof, and to provide for the satisfaction of said bonds or stocks.

A BILL to amend the first section of an act entitled "An act to authorize cities and towns to negotiate and sell bonds to procure means with which to complete unfinished school buildings and unpaid debts contracted for the erection of such buildings, and authorize the levy and collection of additional special school tax for

✓ 78 November 23.

✓ 79 November 23.

✓ 80 November 23.

✓ 81 November 23.

✓ 82 November 25.

✓ 83 November 25.

✓ 84 November 25.

✓ 85 November 26.

✓ 86 November 27.

# CALENDAR OF SENATE BILLS—Continued.

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No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	ACTION ON.
87	November 27.	the payment of principal and interest of such bonds," approved March 11, 1867, and declaring an emergency. A BILL granting the consent of the State of Indiana to the purchase by the United States of certain lands for the purpose of the erection of a public building at Evansville, and ceding jurisdiction over the same.	Gooding.	Passed December 16, 1872.
88	November 27.	A BILL to authorize and encourage the construction of levees, dykes, drains and ditches, and the reclamation of wet and overflowed lands by incorporated associations, and providing for the organization of such associations, and prescribing their powers, and providing for the assessment of the cost of such improvements and the expenses attending the same upon the lands benefitted thereby, and for the collection of such assessment.	Chapman.	Passed December 12, 1872
89	November 27.	A BILL to provide for the issuing of a non-negotiable bond to the school fund for certain sums of money heretofore advanced by or borrowed from said fund by the State.	Gooding.	Read first time November 27; read second time by title December 2, and referred to Committee on Education. Reported back December 5. On second reading.
90	November 27.	A BILL to amend section 24 of an act entitled "An act regulating descents and the apportionment of estates," approved May 14, 1852, and declaring an emergency.	Sleeth.	Read first time November 27; read second time by title December 2, and referred to the Committee on the Judiciary. Reported back December 13, and ordered to lie on the table. December 20, taken up and placed on the Calendar.
91	November 27.	A BILL declaring the real estate of married women liable for debts contracted by her, and for necessities furnished her family, and for work and labor performed on such real estate, and declaring an emergency.	Orr.	Read first time November 27; read a second time by title December 2, and referred to Committee on Judiciary. Reported back December 13, and ordered to lie on the table. Taken up December 20, and placed on the Calendar.
92	November 27.	A BILL to amend section 16 of an act entitled "An act concerning real property and the alienation thereof," approved May 6, 1852.	Hubbard.	Read first time November 27; read second time by title December 2, and referred to Committee on the Judiciary. Reported back and indefinitely postponed.
93	November 27.	A BILL limiting the number of grand and petit jurors in the Courts of this State.	Ringo.	Read first time November 27; read second time by title December 2, and referred to Committee on the Judiciary. Reported back and indefinitely postponed.
94	November 27.	A BILL concerning homes for friendless women, the collection and payments of fines and forfeitures, and repealing all laws conflicting therewith, and declaring an emergency.	Thompson.	Read first time November 27; read second time by title December 2, and referred to Committee on Benevolent Institutions. Reported back with amendments December 7. On second reading.
95	November 27.	A BILL to protect rivers, streams, or bodies of water from which water is taken, for the use of cities, towns, villages, or benevolent	Scott.	Read first time November 27; read second time by title December 7, and referred to Committee on Rights and



✓ 80	November 27.	Institution, and providing a penalty for a violation, and declaring an emergency. A BILL to encourage manufacturing in the State of Indiana, and allowing and legalizing conveyances of real estate, by and to foreign manufacturing companies, and declaring an emergency.	Hubbard.	Privileges. Reported back December 7, with amendments, on second reading. Read first time November 27; read second time by title December 2, and referred to Committee on Manufactures. Reported back December 7, with amendments. On second reading.
✓ 97	November 27.	A BILL to provide for the organization of an experimental school for the instruction of feeble-minded children.	Collett.	Read first time November 27; read second time by title December 2, and referred to Committee on Benevolent Institutions. Reported back December 6, and re-committed to same committee with instructions. Reported back December 6. On second reading.
✓ 98	November 27.	A BILL to prevent carrying concealed, or dangerous weapons, and to provide punishment therefor.	Collett.	Read first time November 27; read second time by title December 2, and referred to Committee on the Judiciary. Reported back December 13. On second reading.
✓ 99	November 27.	A BILL to authorize sureties upon notes, bills, bonds, or other instruments in writing, who have been compelled to pay the same for their principals, to collect off the principals interest on the amount paid by such sureties at the rate provided for in such original notes, bills, bonds, or other instruments in writing, held against such principal.	Collett.	Read first time November 27; read second time by title December 2, and referred to Committee on Banks. Reported back December 7. On second reading.
✓ 100	November 27.	A BILL to amend section 352 and 354 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts in this State, to abolish distinct forms of action at law, and to provide for the administration of justice in uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.	Daggy.	Read first time November 27; read second time by title December 2, and referred to Committee on Benevolent Institutions. Reported back December 13. On second reading.
✓ 101	November 27.	A BILL concerning contracts between Railroad Companies within this State for freights and passengers, and for the use of their roads.	Collett.	Read first time November 27; read second time by title December 2, and referred to Committee on Railroads.
✓ 102	November 27.	A BILL to repeal all laws providing for the appraisement of property taken on execution or other final process.	Hubbard.	Read first time November 27; read second time by title December 2, and referred to Committee on the Judiciary. Reported back December 13, and ordered to lie on the table. December 20, taken up and placed on the Calendar.
✓ 103	November 27.	A BILL to amend section 78 of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof."	Smith.	Read first time November 27; read second time by title December 2, and referred to Committee on the Judiciary. Reported back December 13. On second reading.
✓ 104		A BILL to repeal an act authorizing the assessment of lands for plank, macadamized, and gravel road purposes, describing the manner of assessing and collecting the same, approved May 14, 1853, and also authorizing companies who have organized and commenced work under provisions of the above act, to perfect their assessments and declaring an emergency.	Orr.	Read first time November 27; read second time by title December 2, and referred to Committee on Roads. Reported back December 5, with amendments, and ordered to lie on the table. December 20, taken up and placed on the Calendar.
✓ 105	December 2.	A BILL to authorize the Courts of Common Pleas to determine who the heirs, legatees, or distributees of a decedent are, and to order partial distribution of his estate among such heirs, distributees, or legatees, prior to the final settlement, and declaring an emergency.	Taylor.	Read first time December 2; on second reading.

# CALENDAR OF SENATE BILLS—Continued.

No.	WHEN INTRODUCED.	TITLE.	By Whom.	ACTION ON.
106	December 2.	A BILL to prescribe the qualifications of petit jurors in the several counties of the State.	Brown.	Read first time December 2; on second reading.
107	December 2.	A BILL to secure the valuation and taxation of new railroads.	Neff.	Read first time December 2.
108	December 2.	A BILL in relation to the qualification of jurors in certain cases therein named.	Brown.	Read first time December 2; on second reading.
109	December 2.	A BILL to amend section 31 of "An act to provide for the organization of Savings Banks, and the sale and proper management of their affairs," approved May 12, 1890, and declaring an emergency.	Scott.	Read first time December 2; on second reading.
110	December 2.	A BILL to repeal section 18, and to amend section 24, of an act entitled "An act regulating descents, and the apportionment of estates," approved May 14, 1862.	Daggy.	Read first time December 2; on second reading.
111	December 2.	A BILL to amend section 5 of an act entitled "An act to secure a just valuation and taxation of all railroad property within this State, to legalize the assessment, adjustment and payment of taxes for such property made subsequent to the year 1857," and declaring an emergency.	Neff.	Read first time December 2; on second reading.
112	December 3.	A BILL to amend section nine, sixteen, seventeen, eighteen, nineteen, twenty-eight, twenty-nine, thirty, thirty-two, forty-eight, forty-nine, fifty-two, and repealing sections twenty, twenty-four, twenty-five, twenty-seven, thirty-five, thirty-six, thirty-seven, thirty-eight, fifty-three, of an act entitled "An act regulating the fees, salaries, and duties of certain officers therein named, and prescribing penalties for the violation of its provisions, and repealing all laws in conflict therewith," and declaring an emergency.	Friedley, of Lawrence.	Read first time December 3; constitutional rule suspended; read second time by title, and referred to Committee on Fees and Salaries.
113	December 3.	A BILL to provide for calling a Convention to revise, alter or amend, the Constitution of Indiana.	Steele.	Read first time December 3; on second reading.
114	December 3.	A BILL to suppress rippling houses and drunkenness, to regulate the sale, barter or giving away of spirituous or malt liquors, wine and other intoxicating liquors, to provide penalties for the violation of this act, and for the collection of damages from the use of intoxicating liquors, repealing all laws inconsistent with the provisions of this act, and declaring an emergency.	Neff.	Read first time December 3; constitutional rule suspended; read second time by title, and referred to Committee on Temperance. Reported back December 20, on second reading.
115	December 3.	A BILL to prevent extortionate charges for, and unjust discriminations in the transportation of freight by Railroad Companies, and other common carriers, and to provide remedy when such extortions or discriminations are practiced.	Brown.	Passed December 12, 1872.
116	December 3.	A BILL to amend sections 95, 96 and 97, of an act entitled "An act providing for the settlement of decedents' estates," prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and forms to be used in certain	Dwiggins.	Read first time December 3; on second reading.

117	December 3.	such settlements," approved June 17, 1862, and legalizing certain sales of real estate heretofore made by foreign administrators, and declaring an emergency.	Orr.	Read first time December 3; on second reading.
118	December 5.	A BILL regulating the granting of divorces, nullification of marriages, and decrees and orders of Courts incident thereto, and repealing all laws conflicting with this act, and declaring an emergency.	Bowman.	Passed December 16, 1872.
119	December 5.	A BILL to repeal all laws now in force establishing the times of holding Circuit Courts in the Second Judicial Circuit, to fix the time of holding said Courts, requiring all persons to take notice thereof, for the return of process, and declaring when this act shall take effect.	Deeson.	Read first time December 5; on second reading.
120	December 5.	A BILL to amend an act entitled "An act to establish Courts of Common Pleas, and defining the jurisdiction and duties of, and providing compensation for the Judges thereof.	Armstrong.	Read first time December 5; on second reading.
121	December 5.	A BILL to protect the ballot box, to procure a fair election, to define felonies, and prescribe punishment therefor.	Thompson.	Read first time December 5; on second reading.
122	December 5.	A BILL to amend an act entitled "An act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to Railroad Companies," approved May 12, 1869, and declaring an emergency.	Harney.	Read first time December 5; read second time by title December 13; referred to Committee on Corporations. Reported back December 19; on second reading.
123	December 5.	A BILL to legalize in certain cases and under certain conditions, appropriation made by Boards of County Commissioners to aid in building railroads previous to the twelfth day of May, 1869, and when the appropriations made without the authority of law, and declaring an emergency.	Glessner.	Read first time December 5; on second reading.
124	December 5.	A BILL to amend section 22 of an act entitled "An act concerning enclosures, trespassing animals and partition fences," approved June 4, 1852, declaring it a misdemeanor, to violate the provisions of this act, prescribing punishments therefor, and declaring an emergency for the taking effect of this act.	Williams.	Passed December 5, 1872.
125	December 5.	A BILL to define what shall be the salary of the Governor, the manner of paying the same and declaring an emergency.	Oliver.	Read first time December 5; on second reading.
126	December 5.	A BILL to provide for the finishing the State building at the corner of Washington and Tennessee streets, by erecting stone platforms in front of the offices on both of said streets.	Slater.	Read first time December 5; on second reading.
127	December 5.	A BILL to amend section 1 of an act provided for the election or appointment of Supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto, approved March 5, 1869.	Rhodes.	Read first time December 5; on second reading.
128	December 5.	A BILL in relation to the collection of promissory notes and contracts given for a patent right or territory for a patent right, authorizing the collection of judgments taken by default in certain cases to be enjoined, enlarging the defense to such notes and contracts when payable in bank, providing when such suits shall be commenced, and declaring an emergency.	Habbard.	Read first time December 5; on second reading.
129	December 5.	A BILL in relation to the rights and powers of married women.	Daggs.	Read first time December 5; on second reading.
130	December 7.	A BILL relating to insurance companies.	Hall.	Read first time December 7; on second reading.
		A BILL to establish a Sanitarium.		

# CALENDAR OF SENATE BILLS—Continued.

No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	ACTION ON.
✓ 131	December 7.	A BILL supplemental to an act entitled "An act to establish a Female Prison and Reformatory Institution for girls and women, and to provide for the organization and government thereof, and making appropriations," approved May 13, 18 9.	Taylor.	Read first time December 7; on second reading.
✓ 132	December 7.	A BILL to amend the 2nd section of an act approved May 13, 18 9, and entitled "An act to establish a Female Prison and Reformatory Institution for girls and women, to provide for the organization and government thereof, and making appropriations."	Brown.	Read first time December 7; on second reading.
✓ 133	December 7.	A BILL to provide for a more improved system of College and University education, and providing for the disposition of the war bonds of the State, and for the construction of certain buildings in the city of Indianapolis, and other matters properly connected therewith, and declaring an emergency.	Scott.	Read first time December 7; on second reading.
✓ 134	December 7.	A BILL to create the 26th Judicial District of the Court of Common Pleas, defining what counties shall compose the same, fixing the time of holding the courts therein, and the duration of the terms thereof, and making all process from the present Common Pleas Court therein returnable to such terms, providing for the appointment of a judge and district attorney for such district, declaring when the same shall take effect, and repealing all laws that are inconsistent therewith.	Frielley, of Lawrence.	Passed December 11, 1872.
135	December 7.	A BILL to constitute the 30th Judicial Circuit.	Gooding.	Read first time December 7; read second time Dec. 13, and referred to Committee on the Judiciary.
✓ 136	December 7.	A BILL pertaining to division walls, and digging cellars where there is adjoining property of another person, in cities or towns.	Thompson.	Read first time December 7; on second reading.
137	December 7.	A BILL fixing the time of holding the Court of Common Pleas in the 11th Judicial District, and repealing all other laws on the same subject.	Hough.	Read first time December 7; on second reading.
✓ 138	December 7.	A BILL prescribing the limitation of civil actions, and proceedings upon judgments, and decrees of courts, and repealing all laws in conflict therewith.	Taylor.	Read first time December 7; on second reading.
✓ 139	December 7.	A BILL to enable Railroad Companies to alter their lines under certain cases, and declaring an emergency.	Beardsley.	Read first time December 7; on second reading.
✓ 140	December 7.	A BILL to amend section 3, and repeal section 4, of an act entitled "An act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31, 1852.	Howard.	Read first time December 7; on second reading.

✓ 141	December 9.	A BILL in relation to the funded debt of the State of Indiana, therein mentioned.	Judiciary Committee.	Passed December 9, 1872.
✓ 142	December 9.	A BILL providing for the taking the sense of the qualified voters of this State on the calling of a convention to alter, amend, or revise the Constitution of this State.	Gregg.	Read first time December 9; on second reading.
✓ 143	December 9.	A BILL to restrain all persons from hiring or employing persons under the age of twenty-one years, to make or vend by the wholesale or retail any spirituous or intoxicating liquors, and prescribing penalties therefor, and declaring an emergency.	Steele.	Read first time December 9; on second reading.
✓ 144	December 9.	A BILL to amend section 4 of an act entitled "An act authorizing the assessment of lands for plank, macadamized, and gravel roads, prescribing the manner of assessing and collecting the same," and repealing the law on that subject, approved May 14, 1868, providing compensation for County Auditor, in such assessment, and declaring an emergency.	O'Brien.	Read first time December 9; on second reading.
✓ 145	December 12.	A BILL in relation to the organization of the two Houses of the General Assembly, prescribing the number of officers and employees of each House, and regulating their duties.	Beardsley.	Passed December 13.
✓ 146	December 13.	A BILL to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and apportioning the same among the several counties of this State, and declaring an emergency.	Dwiggins.	Passed December 16.
✓ 147	December 13.	A BILL exempting certain personal property from sale on execution.	Brown.	Read first time December 13; read second time, and referred to the Committee on the Judiciary.
✓ 148	December 13.	A BILL to provide for the relocation of county seats, and repealing all laws contravening the provisions of this act, and declaring an emergency.	Dittmore.	Read first time December 13; constitutional rule suspended; read second time, and referred to the Committee on the Judiciary. Reported back December 20.
✓ 149	December 13.	A BILL providing for the re-organization and government of the State Prison, for the appointment of a Board of Commissioners to have charge of the same.	Wadgo.	Read first time December 13; read second time by title December 16, and one hundred copies ordered printed; on second reading.
✓ 150	December 13.	A BILL to legalize taxes heretofore levied for the purpose of tuition, by the school trustees of any of the incorporated cities of this State, and authorizing the collection of the same, and declaring an emergency.	Armstrong.	Passed December 18, 1872.
✓ 151	December 13.	A BILL to amend the first section of an act, entitled as follows: "An act to amend the first section of an act, entitled an act for the incorporation of manufacturing and mining companies and companies for mechanical and chemical and building purposes," approved May 29, 1852, so as to provide for the incorporation of companies to furnish motive power, to carry on such business, or to supply any city or village with water, approved March 11, 1851, so as to authorize and provide for the incorporation of union stock yards and transit companies, and also to authorize and provide for the incorporation of grain elevator companies, and legalizing the incorporation of grain companies already formed, or attempted to be formed, and to which this is an amendment, and declaring an emergency.	Oliver.	Passed December 18, 1872.
✓ 152	December 13.	A BILL amending section 26 of an act regulating descents and the apportionment of estates, and declaring an emergency.	Orr.	Read first time December 13; on second reading.

# CALENDAR OF SENATE BILLS—Continued.

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No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	ACTION ON.
✓ 153	December 13.	A BILL to amend an act entitled "An act to create a State Normal School," etc., approved December 20, 1865, and adding supplemental sections thereto, and providing for certain appropriations."	Scott.	Read first time December 13; on second reading.
✓ 154	December 13.	A BILL to amend the seventh section of an act entitled "An act regulating the granting of divorces."	Hall.	Read first time December 13; on second reading.
✓ 155	December 13.	A BILL to provide for the reimbursement to certain counties therein named, of certain taxes illegally assessed and collected for the year 1869, and paid into the State Treasury, and declaring an emergency.	Bowman.	Read first time December 13; on second reading.
✓ 156	December 13.	A BILL to authorize cities, constructing water work, to issue bonds and dispose of the same in aid of the construction of such water works.	Hubbard.	Read first time December 13; on second reading.
✓ 157	December 13.	A BILL to authorize the purchase of stationery for the use of county officers of this State, and the Circuit, Common Pleas, Superior and Criminal Courts, providing penalties for its violation, repealing all laws in conflict with this act, and declaring an emergency.	Rhodes.	Read first time December 13; read second time Dec. 16, and referred to Committee on County and Township Business.
✓ 158	December 13.	A BILL to repeal an act entitled "An act to authorize aid to the construction of railroads by counties and townships, taking stock in, and making donations to railroad companies."	Committee on County and Township Business. Dwiggin.	Read first time Dec. 13; on second reading.
✓ 159	December 14.	A BILL to provide for the submission to the qualified voters of this State, for their ratification or rejection, a proposed amendment to the Constitution of Indiana, therein mentioned, and declaring an emergency.		Passed Dec. 14, 1872.
✓ 160	December 14.	A BILL to amend an act to incorporate the Lawrenceburg Insurance Company.	Gooding.	Read first time Dec. 14; on second reading.
161	December 16.	A BILL requiring the Boards of County Commissioners to refrain to tax-payers, taxes levied and collected specially to aid in the construction of railroads, when the purpose for which the same were collected, shall have or may fail.	Harnoy.	Read first time Dec. 16; Constitutional rule suspended and read second time, and referred to Committee on the Judiciary. Reported back and ordered to lie on the table; Dec. 20 taken up and placed on Calendar.
✓ 162	December 16.	A BILL to repeal an act entitled "An act to repeal Section 31 of an act entitled 'An act concerning real property, and the alienation thereof,' approved May 5, 1869, and to authorize the record of deeds or transcripts thereof, to be read in evidence in Courts of Justice, in this State."	Scott.	Read first time Dec. 16; on second reading.
✓ 163	December 16.	A BILL to amend Section 7 of an act, entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of the county and township officers in relation thereto," and declaring an emergency.	Neff.	Read first time Dec. 16; on second reading.

✓164	December 16.	A BILL for an act to fix the number of Senators and Representatives in the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State.	Williams.	Read first time Dec. 16; on second reading.
✓165	December 19.	A BILL regulating certain matters of legislative practice in the two Houses of the General Assembly of the State of Indiana.	Chapman.	Passed Dec. 19, 1872.
✓166	December 19.	A BILL to regulate the sale of county property and the letting of public buildings and bridges and fences and monuments, and declaring an emergency.	Scott.	Passed Dec. 19, 1872.
✓167	December 19.	A BILL fixing the time of holding the Court of Common Pleas of Ripley County, in the Twenty-second Common Pleas District of this State and declaring an emergency.	Rosebrough.	Passed Dec. 19, 1872.

*Bills Received from the House of Representatives, Disposed of and Pending in the Senate.*

No.	WHEN RECEIVED.	TITLE.	AUTHORS OF BILL.	PROCEEDINGS THEREON.
33	November 20.	AN ACT appropriating seventy-five thousand dollars to defray the expenses of the Special Session of 1872 of the General Assembly of the State of Indiana.	Wood.	Passed Nov. 20.
22	November 20.	A BILL to amend the first section and the title of an act, approved March 4, 1855, entitled "An act providing for the completion of the unfinished business of any session of the General Assembly by the next succeeding special session of the same General Assembly."	Branham.	Passed Dec. 5.
7	November 23.	A BILL providing that Justices of the Peace shall have exclusive original jurisdiction in certain cases of misdemeanors, and repealing all acts in conflict with this act.	Given.	Read first time Nov. 25; read second time by title Nov. 27, and referred to Committee on the Judiciary. Reported back Dec. 3 with amendments; read a second time Dec. 18; Constitutional rule suspended; read third time, and ordered to lie on table Dec. 19; taken up Dec. 29 and placed on Calendar.
27	November 23.	A BILL concerning interest on judgments.	Wilson, of Ripley and Jefferson.	Read first time Nov. 25; Read second time by title Nov. 27, and referred to Committee on the Judiciary. Reported back Dec. 3 with amendments; on second reading. Passed Dec. 13, 1872.
32	November 23.	A BILL to provide for the time of holding the Court of Common Pleas in the 16th Judicial District of the State, and to repeal all laws in conflict therewith.	Wood.	
8	November 26.	A BILL to prevent hunting and shooting on inclosed land, without consent of the owner or occupant thereof, and providing a penalty therefor.	Furnas.	Read first time Dec. 2; read second time Dec. 18, and referred to Committee on the Judiciary, with instructions. Reported back Dec. 19; ordered to lie on table Dec. 20; taken up Dec. 20 and placed on Calendar.
26	November 26.	A BILL to amend section 9 of an act entitled "An act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, power, and duties in civil cases," approved June 9, 1854, and repealing all laws and parts of laws in conflict therewith.	Wilson, of Ripley.	Read first time Dec. 2; on second reading.
37	November 26.	A BILL authorizing an appropriation of money out of the State Treasury for the use of Indiana University, located at Bloomington, Monroe county, in paying debts created by borrowing money for the current expenses in the year 1870 and 1871.	King.	Passed Dec. 12, 1872.
49	November 26.	A BILL creating the 2d Judicial Circuit of Indiana, and fixing the time of holding Circuit Courts therein, and declaring an emergency.	Cowgill.	Passed Dec. 13, 1872.



50	November 26.	A BILL to amend the fifth section of an act entitled "An act to discourage the keeping of snakes and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs," approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled "An act for the protection of sheep," approved June 11, 1852, prescribing the duties of Township Trustees in relation thereto, adding an additional section, and declaring an emergency.	Odle.	Read first time Dec. 2; on second reading.
69	November 26.	A BILL in relation to the settlement of Supervisors of Highways with Township Trustees, defining the time for settlements.	Kirkpatrick.	Read first time Dec. 2; on second reading.
72	November 26.	A BILL in relation to Criminal Circuit Courts, and to create the 29th Judicial Circuit, providing for the appointment and electing of a Judge and Prosecuting Attorney therein, and providing compensation therefor, declaring the jurisdiction of said Court, and providing for a transfer of action thereto.	Branham.	Read first time Dec. 2; on second reading. Reported to Committee on Organization of Courts. Reported back Dec. 19, and ordered to lie on the table; taken up Dec. 20 and placed on calendar.
81	November 26.	A BILL to amend sections 2, 3, 4 and 6 of an act entitled "An act to provide for the relocation of county seats, and for the erection of public buildings in counties in case of such relocation," approved March 2, 1850, and to amend section 2 of an act amendatory of said act, approved Dec. 18, 1855, and to amend section 2 of an act amendatory of said act, approved Feb. 24, 1858.	Walker.	Read first time Dec. 2; read second time by title Dec. 3, and referred to Committee on the Judiciary. Reported back Dec. 19; on second reading.
95	November 26.	A BILL authorizing cities and towns incorporated under the authority of the State of Indiana, to make and adopt a survey and plat thereof, when there is no sufficient survey and plat thereof, and to authorize such cities and towns to adopt any survey and plat thereof already made, and declaring an emergency.	Cauthorn.	Passed Dec. 18, 1872.
98 119	November 26. November 26.	A BILL to make certain specific appropriations therein mentioned. A BILL in relation to organizing the two Houses of the General Assembly, and defining certain duties of certain officers in relation thereto, and declaring an emergency.	Johnson. Cauthorn.	Passed Dec. 5, 1872. Passed Dec. 13, 1872.
92	December 3.	A BILL to amend an act entitled "An act to establish a House of Refuge for the correction and reformation of juvenile offenders," approved March 6, 1857, and repealing section 11 of said act.	Baxter.	Passed Dec. 5, 1872.
71	December 3.	A BILL to amend section 69 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and prescribing their powers, and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1857.	Branham.	Read first time Dec. 7; on second reading.
162	December 5.	A BILL to authorize cities to correct the erroneous listing, description, and assessment of real estate liable to city taxes, and when so corrected to collect all taxes due thereon, and to list, assess, and collect taxes on any property liable to city taxes of any person or persons who have furnished the assessor with a false or defective statement of his or their property, or the value thereof.	Cauthorn.	Read first time Dec. 7; on second reading.
70	December 5.	A BILL to enable counties bordering on the State lines or rivers forming State boundaries, and townships and cities therein, to aid the construction of railroads opposite such counties in other States, to run to such counties or to the State line or river forming the State boundary bordering such counties, or to form connections	Branham.	Passed Dec. 11, 1872.

*Bills Received from the House of Representatives—Continued.*

No.	WHEN RECEIVED.	TITLE.	AUTHORS OF BILL.	PROCEEDINGS THEREON.
35	December 6.	with other railroads in such counties, and prescribing the duties of the officers of counties for that purpose, and authorizing such cities to issue bonds for such aid, and declaring an emergency. A BILL to amend an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in criminal actions in the courts of this State."	Johnson.	Read first time Dec. 7; on second reading.
114	December 6.	A BILL to amend the first section of an act to authorize any person desiring to erect a flouring mill, or other machinery to be propelled by water, on his own land, to make a race-way below such mill or machinery through land belonging to other persons, and to regulate the assessment and payment of damages therefor, approved March 1, 1853.	Walker.	Read first time Dec. 7; on second reading.
134	December 6.	A BILL to fix the time of holding Circuit Courts, and length of terms thereof, in the several counties comprising the Twelfth Judicial Circuit of the State of Indiana, and providing for return of process thereon.	Gregory.	Passed Dec. 18, 1872.
137	December 6.	A BILL to amend an act entitled "An act to revise, simplify, and abridge the rules, practice and pleadings, and forms. In criminal actions in the Courts in this State."	Johnson.	Read first time Dec. 7; read second time Dec. 14, and referred to Committee on the Judiciary. Reported back Dec. 19, with amendments, and laid on the table; taken up Dec. 20 and placed on the Calendar.
155	December 7.	A BILL providing for a general system of common schools in all cities of eight thousand or more inhabitants, and for the election of a Board of School Commissioners for such cities, and defining their duties and prescribing their powers, and providing for common school libraries within such cities; and providing that cities having a less population than eight thousand inhabitants may, by a majority vote of the members of the Common Council, order the election of members of a Board of School Commissioners, according to the provisions herein, and defining their powers and duties, and repealing all laws in conflict therewith, and declaring an emergency.	Walker.	Read first time Dec. 7. On second reading.
6	December 7.	A BILL creating the Indiana Centennial Association.	Kimball.	Read first time Dec. 7. On second reading.
36	December 7.	A BILL to amend sections one and six of an act entitled "An act to incorporate the Franklin Insurance Company," approved Feb. 13, 1851.	Kimball.	Read first time Dec. 7. On second reading.
59	December 7.	A BILL to amend section six of an act entitled "An act to amend an act entitled an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers, in relation thereto," approved March 6, 1859; approved December 20, 1856.	Ellsworth.	Read first time Dec. 7. On second reading.

139	December 7.	A BILL relating to expenses incurred by one county by change of venue from another county.	North.	Read first time Dec. 7; read second time Dec. 13, and ordered to lie on the table; taken up Dec. 20 and placed on Calendar.
144	December 7.	A BILL to provide for the crossing of railroads, the keeping in repair such crossing, and providing for the expense thereof.	Cowgill.	Read first time Dec. 7. On second reading.
8	December 11.	A BILL to repeal an act for the construction of levees, dykes, and drains, by incorporated companies and associations, which act took effect May 22, 1869, and also to repeal an act supplemental thereto, approved February 22, 1871, and saving from the operation of this act all works ten miles in length and under.	Butterworth.	On first reading.
152	December 11.	A BILL to amend an act entitled "An act to provide for the incorporation of railroad companies."	Kimball.	On first reading.
118	December 11.	A BILL making the parties competent witnesses as to certain matters in actions by executors or administrators, upon contracts assigned to the decedents.	Wilson, of Ripley.	On first reading.
73	December 11.	A BILL fixing the per diem and mileage of members of the General Assembly, and providing that they shall provide their own stationery.	Wilson, of Ripley.	Passed Dec. 16, 1872.
151	December 11.	A BILL to amend an act entitled "An act to declare abandoned certain unfinished railroads, and to provide for their completion, to declare forfeited the franchisees of certain railroad companies, and for the assessment of the value thereof, for the organization of new companies, and for making annual statements."	Kimball.	On first reading.
123	December 11.	A BILL empowering the Board of Trustees of any incorporated town within this State to compel owners of lots to plant, maintain, and protect shade trees within the same.	Tully.	On first reading.
115	December 11.	A BILL to repeal an act entitled "An act to regulate the sale of patent rights, and to prevent frauds in connection therewith," which act took effect April 23, 1869.	Miller.	On first reading.
90	December 13.	A BILL touching public squares in towns laid out, platted and recorded, with public grounds not specifically dedicated, and the matters therewith connected.	Rumsey.	Passed Dec. 18, 1872.
112	December 13.	A BILL to render wives competent to testify in action brought for injuries done to them.	Johnson.	On first reading.
64	December 13.	A BILL making the first day of January, the fourth day of July, the twenty-fifth day of December, Thanksgiving, and the days of the General Election, State and Presidential, holidays; and to regulate the maturity of commercial paper falling due on said days.	Buskirk.	Read first time Dec. 14; Constitutional rule suspended, read second time, and referred to Committee on Finance.
163	December 14.	A BILL to provide for a uniform assessment of property, and for the collection and return of taxes.	Kimball.	Passed Dec. 17, 1872.
2	December 14.	A BILL to fix the time of holding the Courts in the Third Judicial Circuit, the duration of the terms thereof, and declaring when this act shall take effect, and repealing all laws inconsistent therewith.	Reed.	Read first time Dec. 14. On second reading.
172	December 14.	A BILL to fix the time of holding the terms of the Common Pleas Courts in the several counties, composing the Sixth Judicial District, the duration of such terms, and repealing all laws in conflict therewith.	Broadus.	Passed Dec. 18, 1872.
235	December 14.	A BILL supplemental to "An act to authorize aid to the construction of railroads by counties and townships, taking stock in, and making donation to railroad companies," approved May 12, 1869.	King.	Passed Dec. 19, 1872.

*Bills Received from the House of Representatives—Continued.*

No.	WHEN RECEIVED.	TITLE.	NAME OF AUTHORS.	PROCEEDINGS THEREON.
257	December 17.	A BILL to amend the 3d section of an act, entitled "An act districting the State for judicial circuits," approved June 17, 1852.	Wolfin.	Passed Dec. 17, 1872.
258	December 17.	A BILL to amend the 1st section of an act, entitled "An act to create the Fifteenth Judicial Circuit," approved February 22, 1856.	Wolfin.	On first reading.
130	December 17.	A BILL to render uniform the rate of interest on the Common School Funds of the State of Indiana.	Londesty.	On first reading.
148	December 17.	A BILL defining certain felonies and prescribing punishment therefor, compelling the testimony of parties engaged therein against others than themselves, declaring contracts with respect thereto void, and repealing all acts in conflict with this act.	Edwards of Vigo.	Passed Dec. 19, 1872.
177	December 17.	A BILL fixing the time of holding the Courts in the counties comprising the First Judicial Circuit of this State, and repealing all laws conducting herewith and declaring an emergency.	Wilson of Ripley.	On first reading.
227	December 17.	A BILL providing for the payment to township trustees of all moneys, special or specific purposes, except such moneys as may have been collected from townships for State and county revenue, and prescribing punishment of officers failing to comply with the requirements hereof, and repealing all laws inconsistent therewith.	Gifford.	Passed Dec. 19, 1872.
198	December 17.	A BILL to amend sections 13, 19, 31, and 49, of an act approved May 12, 1871, entitled "An act providing for the organization of Savings Banks, and the safe and proper management of their affairs."	Riggs.	On first reading.
123	December 17.	A BILL prescribing time for transaction of road business, and for appointment of superintendent and physician for poor.	Billingsley.	On first reading.
138	December 17.	A BILL to amend the third section of the act entitled "An act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings and pay the debts contracted for erection of such buildings, and authorize the levy and collection of additional special school tax, for the payment of principal and interest of such bonds," approved March 11, 1867.	North.	On first reading.
113	December 17.	A BILL to amend section 2 of an act entitled "An act to amend sections 4 and 7 of an act to provide for the election, fixing the compensation and prescribing the duties of the Attorney General of the State of Indiana," approved June 3, 1861.	Riggs.	Read first time Dec. 18. On second reading.
174	December 17.	A BILL to amend section 32 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights,	Baker.	On first reading.

171	December 17.	the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 13, 1867.	Given.	On first reading.
211	December 17.	A BILL to pre-empt the manner of selecting petit jurors for the Circuit and Common Pleas Courts, and declaring an emergency.	Claypool.	Read first time December 20; on second reading.
136	December 18.	A BILL to give security to persons who contract with railroad companies to perform work and labor in the construction of railroads, and declaring an emergency.	Lefferty.	On first reading.
66	December 18.	A BILL to amend section 647 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleading, and forms in civil cases in the Courts in this State," etc.	Furnas.	On first reading.
185	December 18.	A BILL authorizing the appropriation of money out of the State Treasury, for the use of the Indiana University, located at Bloomington, Monroe county.	Peed.	Passed December 18.
218	December 19.	A BILL to legalize the official acts of the Boards of Trustees of the town of Huntington, Dubois county, Ind., and all other officers of said corporation, under an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, and the by-laws, rules, regulations and proceedings adopted in pursuance thereof.	Wilson, of Ripley.	On first reading.
210	December 19.	A BILL to amend section 208 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.	Baxter.	On first reading.
211	December 19.	A BILL to amend the twentieth section of an act, approved May 13, 1869, and entitled "An act to establish a Female Prison and Reformatory Institution for Girls and Women, providing for the organization and government thereof, and making appropriation,"	Baxter.	Read first time December 19; read second time Dec. 20, and ordered to lie on the table. Taken up Dec. 20 and placed on Calendar.
214	December 19.	A BILL supplemental to an act entitled "An act to establish a Female Prison and Reformatory Institution for Girls and Women, and to provide for the organization and government thereof, and making appropriation," approved May 13, 1869.	Wilson, of Ripley.	On first reading.
167	December 19.	A BILL to amend sections 25 and 26 of an act entitled "An act regulating descents and apportionment of estates," approved May 14, 1852.	Cuthorn.	On first reading.
170	December 19.	A BILL to preserve the original manuscript Journals of the Senate and House of Representatives of the General Assembly, and prescribing a penalty for the mutilation thereof	Brett.	On first reading.
178	December 19.	A BILL to amend sections 157 and 604 of an act to revise, simplify the rules, etc.	Wilson, of Ripley.	On first reading.

A BILL to amend section 1 of an act entitled "An act to amend section seventy-seven of an act entitled 'An act to revise, simplify and abridge the rules, practice and pleadings and forms in Criminal actions in the Courts of this State,'" approved June 17, 1852; approved December 20, 1865.

*Bills Received from the House of Representatives—Continued.*

No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	ACTION ON.
188	December 19.	A BILL to amend section 423 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the Courts in this State, to abolish distinct forms of action at law, and to provide for the administration of justice in uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.	Shirley	On first reading.
259	December 20.	A BILL making specific appropriation for the years 1871 and 1872.	Committee of Ways and Means.	Passed December 20.
230	December 20	A Bill regulating coal mines and the working thereof, providing for the appointment of a Mine Inspector, regulating his duties, &c.	Gifford.	

## SENATE JOINT RESOLUTIONS.

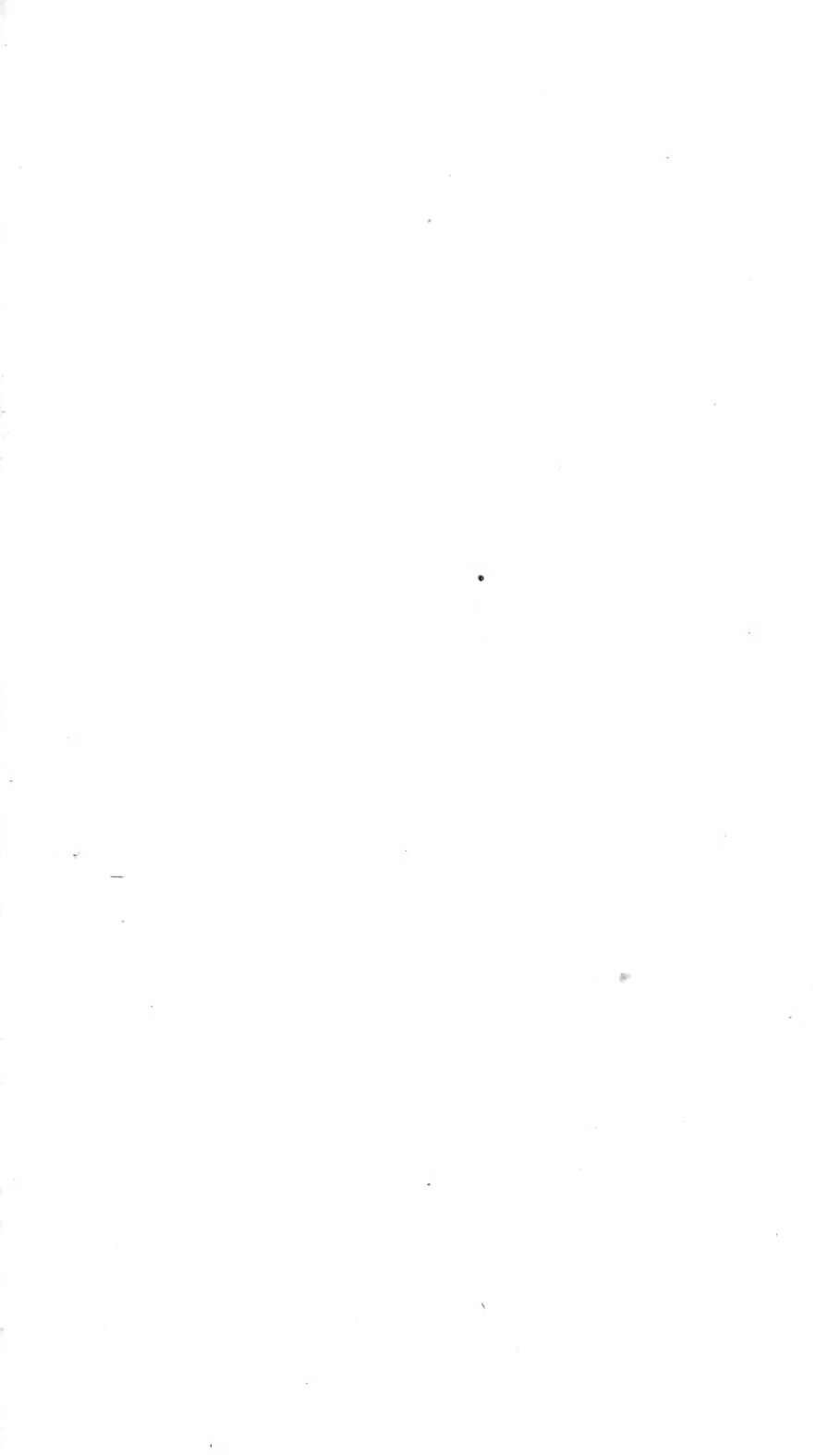
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No.	WHEN INTRODUCED.	TITLE.	BY WHOM INTRODUCED.	ACTION ON.
1	December 25.	A JOINT RESOLUTION in regard to the improvement of the Ohio and Wabash rivers and their tributaries.	Gregg.	Passed November 25.
2	December 6.	A JOINT RESOLUTION in relation to the two per cent. claims of Ohio, Indiana and Illinois, now pending before Congress.	Steel.	Passed December 6.
3	December 19.	A JOINT RESOLUTION instructing our Senators in Congress to support an act pending in the Senate of the United States.	Gregg.	Passed December 19.

## HOUSE JOINT RESOLUTIONS RECEIVED IN SENATE.

No.	RECEIVED FROM HOUSE.	TITLE.	INTRODUCED BY.	ACTION ON.
5	November 25.	A JOINT RESOLUTION instructing our Senators and requesting our Representatives to vote against any measure in Congress to divide the State into two or more judicial districts.	Branham.	Passed November 25.
3	November 26.	A JOINT RESOLUTION instructing our Senators and requesting our Representatives in Congress, to secure the passage of a law to equalize the bounties of the soldiers and seamen of the United States in War of the Rebellion.	Edwards, of Lawrence.	Passed November 25.
2	November 18.	A JOINT RESOLUTION agreeing to and adopting an amendment proposed to the Constitution by the last General Assembly, by adding to the Ninth Article, a section in relation to the debts charged upon the Wabash and Erie Canal.		Passed December 9.
6	December 6.	A JOINT RESOLUTION in relation to the Indiana Reformatory Institution for Women and Girls.	Baxter.	On the Calendar.
7	December 18.	A JOINT RESOLUTION in relation to an appropriation by Congress for the completion of the harbor at Michigan City.	Teeter.	Passed December 18.
4	December 6.	A JOINT RESOLUTION in relation to an appropriation by Congress for the improvement of the Ohio River.	Schnuck.	On the Calendar.
8	December 7.	A JOINT RESOLUTION in relation to the two per cent. claims of Ohio, Indiana and Illinois, now pending before Congress.	Branham.	On the Calendar.
9	December 7.	A JOINT RESOLUTION in relation to an appropriation by Congress for the improvement of the Wabash River.	Cauthorn.	On the Calendar.







# INDEX.

## SENATE BILLS.

No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	ACTION THEREON.
1	November 14.	A BILL to repeal an act entitled "An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands, by incorporated companies; and to repeal all former laws relating to the same subject," approved on the 22d day of May, 1869. Also, an act to repeal an act supplemental to an act entitled "An act to authorize and encourage the erection of levees, dykes and drains, and reclamation of wet and overflowed lands, by incorporated companies; and to repeal all former laws relating to the same subject." Which act took effect May 22, 1869; and prescribing penalties for the violations of the provisions thereof. Which last named act was approved on the 22d day of February, 1871.	Dwiggins.	30, 40, 186, 201, 204, 321, 383, 385, 400, 402.
2	November 14.	A BILL to authorize and regulate the incorporation of banks of discount and deposits in the State of Indiana.	Daugherty.	31, 49, 50, 146, 149, 202, 411.
3	November 14.	A BILL to amend Section 4 of an act, entitled "An act authorizing the organization and perpetuity of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855; and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act, approved February 20, 1857, and declaring an emergency.	Steele.	33, 50, 308, 325, 326, 517, 527, 555.
4	November 14.	A BILL to provide for the assessment and collection of taxes for municipal purposes on the shares of stock owned in banks and banking associations doing business in this State.	Gregg,	34, 50, 348.
5	November 14.	A BILL to require railroad companies to issue stock paid for by taxes voted for in construction of railroads, to the taxpayers or their assigns, and to issue unclaimed stock for the benefit of the Common School Fund.	Taylor.	34, 50, 148, 313, 314, 378, 379, 416, 424, 432.
6	November 15.	A BILL to regulate and make uniform the price charged by railroad companies, for transporting goods, wares, merchandise and other property to and from stations on railroads in the State of Indiana; declaring the duty of certain officers in relation thereto; prescribing penalties for the violation thereof, and declaring an emergency.	Williams.	37, 50, 265, 302, 305.

## SENATE BILLS—Continued.

No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	ACTION THEREON.
7	November 15.	A BILL to repeal an act entitled "An act to authorize aid to the construction of railroads by counties and townships, taking stock in and making donation to railroad companies," approved May 12, 1863, and declaring an emergency.	Fuller.	37, 50.
8	November 15.	A BILL to provide for the holding of Courts in the Twenty-fifth Common Pleas District of the State of Indiana.	Smith.	38, 50, 124, 156, 249, 291, 331.
9	November 15.	A BILL fixing the salaries of the Judges of Supreme, Superior, Circuit, Criminal and Common Pleas Courts of this State, providing how salaries shall be paid, repealing all laws or parts of laws in conflict therewith, and declaring an emergency.	Thompson.	38, 50, 300, 414, 524.
10	November 15.	A BILL to amend section 38 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers, rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 19, 1867, and declaring an emergency.	Sarnighausen.	38, 50, 210, 336.
11	November 15.	A BILL to fix the time of holding the Circuit Courts in the several counties of the Third Judicial Circuit, and repealing all laws in conflict therewith and declaring an emergency.	Cave.	38, 50.
12	November 15.	A BILL to give right of action for injuries in certain cases.	Beeson.	39, 50, 547.
13	November 15.	A BILL requiring Railroad Companies organized under any laws of the State of Indiana to keep their principal office of business within the State, and to have a majority of Directors resident within the State of Indiana and along the line of railroad.	Williams.	39, 50, 124, 217.
14	November 15.	A BILL to amend section 5 of an act entitled "An act concerning mortgages," approved May 4, 1852.	Smith.	39, 52, 142.
15	November 18.	A BILL to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings, and pay debts contracted for the erection of school buildings; and purchase of grounds and buildings for school purposes, and authorizing the levy and collection of an additional special school tax for the payment of principal and interest of such bonds, and legalizing such contracts heretofore entered into, and declaring an emergency.	Hubbard.	43, 78, 148, 467, 501.
16	November 18.	A BILL authorizing suits to be brought in partnership name only in certain cases, and declaring the effect thereof.	Taylor.	43, 79, 152.

17	November 18.	A BILL to amend section 2 of an act entitled an act approved March 11, 1861, to amend section 8 and section 10 of an act entitled an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852.	Orr.	43, 79, 142.
18	November 18.	A BILL repealing an act entitled "An act authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same," approved May 14, 1869, and also repealing an act authorizing the construction of plank, macadamized and gravel roads, approved March 11, 1867.	Miller.	43, 79, 134, 346.
19	November 18.	A BILL amending an act entitled "An act regulating the granting of divorces, nullification of marriages and decrees and orders of Court incident thereof.	Neff.	44, 79, 153.
20	November 18.	A BILL relative to the sale of real estate on execution owned by husband and wife.	Armstrong.	44, 79, 152.
21	November 18.	A BILL repealing section 1 of an act entitled "An act prescribing the duties and fixing the compensation of State Agents," approved June 17, 1852, and authorizing and requiring the Secretary of State to perform the duties thereof, and amending section 4 of said act, and declaring when this act shall take effect.	Grigg.	44, 79, 277.
22	November 18.	A BILL regulating the interest on money.	Beardsley.	45, 80.
23	November 18.	A BILL to authorize the county commissioners of the several counties of this State to appropriate money to aid in putting or keeping in repair any canal running in through or along such county.	Bird.	45, 80, 172, 341.
24	November 18.	A BILL to amend section 30 of an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved December 20, 1863.	Cave.	49, 80, 215, 307.
25	November 19.	A BILL to repeal an act entitled "An act regulating the fees, salaries and duties of certain officers therein named, and prescribing penalties for the violation of its provisions," and to revive all laws repealed thereby, and declaring an emergency.	O'Brien.	59, 80, 483.
26	November 19.	A BILL amending section 87 of an act entitled "An act regulating descents and the apportionment of estates," approved May 14, 1852.	Neff.	59, 80, 123.
27	November 19.	A BILL to legalize certain acts of corporations organized or attempted to be organized under and by virtue of "An act authorizing the constitution of plank, macadamized and gravel roads," approved May 12, 1852, and acts supplemental thereto.	Glessner.	59, 80, 253.
28	November 19.	A BILL to amend section 1 of an act entitled "An act providing for the completion of the unfinished business of any session of the General Assembly by the next succeeding special session of the same General Assembly."	Orr.	60, 152.
29	November 19.	A BILL to provide for the enlargement of the State House grounds by vacating a certain street and alley therein named, and by acquiring certain real estate therein described, in order to furnish a suitable site for a new State House.	Thompson.	60, 81, 213.
30	November 19.	A BILL to amend the title and the first section of "An act to organize a Supreme Court, and prescribing certain duties of the Judges thereof."	O'Brien.	61, 81, 242.

## SENATE BILLS—Continued.

No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	ACTION THEREON.
31	November 19.	"AN ACT supplemental to "An act authorizing the assessment of lands for plank, macadamized, and gravel road purposes, prescribing the manner of assessing and collecting the same," and repealing the law on that subject, approved March 11, 1867; the act aforesaid having been approved May 14, 1869, and repealing so much of said act as affects such companies, not organized at the taking effect of this act.	Glessner.	61, 81, 210, 211.
32	November 19.	A BILL to legalize the sale of seminary lands in Jasper county to Marion L. Spittler and Margaret Stackhouse, and directing how the proceeds of said sale shall be applied, and declaring an emergency.	Dwiggius.	62, 81, 148.
33	November 19.	A BILL to amend an act entitled "An act to incorporate the Indiana Fire and Marine Insurance Company."	Beardsley.	62, 81.
34	November 19.	A BILL to amend section ninety and section one hundred and three of an act entitled "An act to revise, simplify, and abridge the rules, practice, and pleadings, and forms in criminal actions in courts of this State," approved June 17, 1852, and declaring an emergency.	Hough.	63, 82.
35	November 19.	A BILL to amend sections 17 and 29 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1872.	Gregg.	64, 82, 205.
36	November 19.	A BILL regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children, repealing an act regulating the same, approved May 6, 1852, and declaring an emergency.	Neff.	64, 82, 150, 499.
37	November 19.	AN ACT to amend section 47, of an act entitled "An act to provide for opening, vacating, and change of highways," approved June 17, 1852.	Cave.	64, 82.
38	November 19.	AN ACT supplemental to an act, approved February 25, 1865, entitled "An act appointing commissioners to sell certain real estate therein named, to provide residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith."	Gooding.	65, 82, 123, 228, 230, 249, 291, 331.
39	November 19.	A BILL to amend an act entitled "an act to authorize and encourage the construction of levees, dykes, and drains, and the reclamation of wet and overflowed lands, by incorporated companies, and to repeal all former laws relating to the same subject," which took effect without executive approval, on the 22d day of May, 1869, for the repeal of section 13 thereof, and declaring an emergency.	Boone.	65, 82, 190, 254.

40	November 19.	A BILL to amend section 2 of an act entitled "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855, and declaring an emergency.	Thompson.	65, 83, 209, 393, 415, 436, 466, 471, 521.
41	November 19.	A BILL to amend section 5 of an act entitled "An act to regulate and to license the sale of spirituous, vinous, malt, and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing the penalties for violation thereof," approved March 5, 1859.	Slater.	65, 83, 112, 214, 548.
42	November 19.	A BILL to repeal section 15 of an act entitled "An act concerning promissory notes, bills of exchange, bonds, or other instruments in writing, signed by any person who promises to pay money, or acknowledge money to be due, or for the delivery of any specific article, or to convey property, or to perform any stipulation therein mentioned, and repealing all laws coming in conflict therewith," approved March 11, 1861; also to repeal an act entitled "An act providing for the redemption of real property, or any interest therein, sold on execution, or order of sale, and providing for the issue of certificates of purchase in such cases, and for the execution of conveyances, and releasing all laws in conflict therewith," approved June 4, 1861.	O'Brien.	66, 83, 244.
43	November 19.	A BILL to authorize the construction of levies, dykes, and drains, by incorporated companies, and to repeal all former laws relating to the same subject, and declaring an emergency.	Beardsley.	66, 83, 239.
44	November 20.	A BILL to amend an act entitled "An act to establish a House of Refuge for the correction and reformation of juvenile offenders," approved March 8, 1867, and repealing section 11 of said act, and declaring an emergency.	Beeson.	76, 106, 123.
45	November 20.	A BILL to provide for the permanent inclosure of Tippecanoe Battle Ground.	Taylor.	77, 117, 194, 375, 381, 382, 427, 440, 441, 444, 445, 447, 448, 461, 521.
46	November 20.	A BILL repealing section 41 of an act entitled "An act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof," and declaring an emergency.	Neff.	77, 117, 347.
47	November 20.	A BILL to repeal an act entitled "An act providing for the protection of fish, and repealing all laws in conflict with the same, prescribing penalties for the violation thereof," approved February 22, 1871.	Cave.	77, 117, 347.
48	November 21.	A BILL to amend sections one and eight of an act entitled "An act to establish a home for the maintenance of sick and disabled Indiana soldiers and seamen, and their widows and orphans," approved March 11, 1867, and section two of an act supplemental thereto, approved May 14, 1869.	Thompson.	93, 116, 187, 404, 503.
49	November 21.	A BILL to amend section twenty-two of an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, and declaring an emergency.	Hough.	97, 116, 332, 399.
50	November 21.	A BILL to correct, and define more correctly, the boundary lines between the counties of Washington and Clark, approved June 7, 1852, and declaring an emergency.	Bowman.	97, 116, 153.

## SENATE BILLS--Continued.

No.	WHEN INTRODUCED.	TITLE.	By Whom.	ACTION THEREON.
51	November 21.	A BILL to amend section one of an act entitled "An act to organize a Supreme Court, and prescribing certain duties of the Judges thereof."	Taylor.	98, 117, 276, 277, 416, 424, 432.
52	November 21.	A BILL dividing the State into Supreme Court Judicial Districts.	Taylor.	98, 117, 258, 259, 273, 275, 416, 424, 432.
53	November 22.	A BILL creating the Twenty-Sixth Judicial District, composed of the county of Shelby, fixing the time of holding Courts therein, providing for the return of process, and repealing all laws in conflict therewith.	Glessner.	104, 117.
54	November 22.	A BILL to divide the State of Indiana into Congressional Districts.	Friedley.	104, 118, 375, 376, 421, 513, 528, 531.
55	November 22.	A BILL providing for the relocation of County seats, and repealing all laws in conflict therewith.	Steele.	104, 118.
56	November 22.	A BILL to amend sections 22 and 57 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852, which section was amended and approved March 2, 1855, and declaring an emergency.	Dwiggins.	104, 118, 238.
57	November 22.	A BILL to repeal an act entitled "An act to prevent the breaking of a quorum in the General Assembly, and prescribing punishment therefor," approved February 7, 1857.	Glessner.	165, 118, 346.
58	November 22.	A BILL to repeal an act entitled "An act to enforce the Thirteenth Article of the Constitution," approved June 15, 1852.	Dwiggins.	106, 118.
59	November 22.	A BILL to amend section 16 of an act to authorize aid to the construction of railroads by counties and townships taking stock in, and making donation to Railroad Companies.	Haworth.	106, 118, 354, 390, 392.
60	November 22.	A BILL regulating interest on all judgments decrees, and repealing all laws in conflict with this act.	Orr.	106, 119, 346.
61	November 22.	A BILL to protect society against dangerous consequences arising from setting at liberty persons who may have been acquitted of any murder, manslaughter, robbery, arson, rape, larceny or other felony upon the plea and defense of insanity.	Thompson.	106, 119.
62	November 22.	A BILL to amend the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th and 13th sections of an act entitled "An act to incorporate the town of Bluffton," approved February 12, 1851, and also to repeal section 11 of said act.	Daugherty.	106, 119.
63	November 22.	A BILL in relation to promissory notes, bank checks and bills of exchange, and to designate the holidays to be observed in the presentment, acceptance and payment of the same.	Sarnighausen.	107, 119, 256.
64	November 22.	A BILL for the collection and publication of statistics.	Haworth.	107, 119.



65	November 22.	A BILL granting the consent of the State of Indiana to the purchase by the United States of certain lands for the purpose of the erection of a public building at Indianapolis, and ceding jurisdiction over the same.	Thompson.	107, 108, 119, 196, 230, 250, 258, 300.
66	November 22.	A BILL to empower the Boards of Trustees of incorporated towns to renege license, or restrain the sale of spirituous, vinous, malt and other intoxicating liquors, and the keeping of billiard tables for rent or hire within their corporate limits, and declaring an emergency.	Sleeth.	109, 119, 518.
67	November 22.	A BILL to amend section 29 of an act entitled "An act providing for the election and qualification of Justices of the Peace and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.	Gooding.	109, 119, 345.
68	November 22.	A BILL to amend the second section of an act entitled "An act creating the Twenty-third Common Pleas District, and making provisions therefor and repealing all conflicting laws," approved March 11, 1857, providing for the return of process and declaring an emergency.	Rhodes.	109, 120, 263, 327, 328, 379, 417, 424, 432.
69	November 22.	A BILL to authorize and empower cities incorporated under any general law of this State for the incorporation of cities and owning real estate, to sell and convey the same in whole or in parcels as the Common Council of such city or cities may deem expedient, and prescribing in what manner the same may be conveyed, and declaring an emergency.	Sarnighausen.	109, 120, 209.
70	November 23.	A BILL making specific appropriation for the purchase of additional land for the erection of buildings for workshops and bath, and purchase of suitable apparatus for fighting the buildings with gas for the use and benefit of the Indiana Soldiers' Orphan Home at Knightstown Springs, Rush County, Indiana, and declaring an emergency.	Sleeth.	113, 130.
71	November 23.	A BILL to amend section 7 and 49 of an act entitled "An act providing for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement," approved June 15, 1852.	Carnahan.	114, 130, 181, 525.
72	November 23.	A BILL to amend the 39th section of the act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.	Thompson.	114, 130, 181.
73	November 23.	A BILL to amend Sections 15 and 16 of an act, entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof and declaring their duties," approved June 11, 1852, and providing for the election of the Town Marshal by the Town Trustees, and declaring an emergency.	Beardsley.	114, 131, 239.
74	November 23.	A BILL to legalize the acts and proceedings of Boards of County Commissioners in certain cases, and declaring an emergency.	Rhodes.	114, 131, 215.
75	November 23.	A BILL defining the law of verbal slander, and fixing the penalty therefor.	Collett.	115, 131, 181.

# SENATE BILLS—Continued.

No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	ACTION THEREON.
76	November 23.	A BILL defining the laws and crime of libel and prescribing the punishment thereof, and declaring an emergency.	Collett.	115, 131, 180.
77	November 23.	A BILL to amend Section 476 of an act, entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.	Hough.	115, 131, 240.
78	November 23.	A BILL to amend Section 19 of an act, entitled "An act prescribing the powers and duties of Justices of the Peace in State prosecutions," approved May 29, 1852, and declaring an emergency.	Boone.	115, 132, 262.
79	November 23.	A BILL to amend the 1st section of an act, entitled "An act to authorize any person desiring to erect a flouring mill, or other machinery to be propelled by water, on his own land, to make a race-way below such mill or machinery, through lands belonging to other persons, and to regulate the assessment and payment of damages therefor," (2d Gavin & Hord,) approved March 1, 1853.	Beeson.	115, 132, 188.
80	November 23.	A BILL to amend an act, entitled "An act providing for the protection of fish, and repealing all laws in conflict with the same; prescribing penalties for the violation thereof."	Beardsley.	115, 133, 188.
81	November 23.	A BILL to authorize the election of a County Engineer and three road commissioners, and the appointment of an examiner of county engineers, and defining their qualifications and duties, and providing for the laying out, locating, changing, and vacating, constructing, repairing and maintaining public highways, and for levying, collecting and expending road tax, and repealing all laws and parts of laws in conflict therewith.	Collett.	116, 133, 212.
82	November 25.	A BILL to amend Section 9 of an act, entitled "An act to provide for electing electors for President and Vice President of the United States," approved May 29, 1852, and declaring an emergency.	Hough.	129.
83	November 25.	A BILL defining the offence of libel, making the same a misdemeanor and prescribing the punishment thereof.	Smith.	130, 154, 182.
84	November 25.	A BILL to protect the citizens of the State of Indiana from empiricism and to elevate the medical profession.	Stroud.	130, 154, 265.
85	November 25.	A BILL to protect the Wabash and Erie Canal, and the tolls and revenues thereof, from sale or sequestration for the satisfaction of the lien of certain bonds or stocks of the State, issued prior to the transfer of said canal to the present Board of Trustees thereof, and to provide for the satisfaction of said bonds or stocks.	Steele.	145, 193, 206, 207, 240, 242, 293, 329, 338, 381.

86	November 27.	A BILL to amend the first section of an act entitled "An act to authorize cities and towns to negotiate and sell bonds to procure means with which to complete unfinished school buildings and pay debts contracted for the erection of such buildings, and authorize the levy and collection of additional special school tax for the payment of principal and interest of such bonds," approved March 11, 1867, and declaring an emergency.	Rhodes.	154, 175, 412, 413, 414.
87	November 27.	A BILL granting the consent of the State of Indiana to the purchase by the United States of certain lands for the purpose of the erection of a public building at Evansville, and ceding jurisdiction over the same.	Gooding.	155, 175, 350, 407, 408, 452, 517, 523, 555.
88	November 27.	A BILL to authorize and encourage the construction of levees, dykes, drains and ditches, and the reclamation of wet and overflowed lands by incorporated associations, and providing for the organization of such associations, and prescribing their powers, and providing for the assessment of the cost of such improvements and the expenses attending the same upon the lands benefitted thereby, and for the collection of such assessment.	Chapman.	164, 175, 186, 250, 295, 308, 339.
89	November 27.	A BILL to provide for the issuing of a non-negotiable bond to the school fund for certain sums of money heretofore advanced by or borrowed from said fund by the State.	Gooding.	165, 175, 216.
90	November 27.	A BILL to amend section 24 of an act entitled "An act regulating descents and the apportionment of estates," approved May 14, 1852, and declaring an emergency.	Sleeth.	165, 175, 346.
91	November 27.	A BILL declaring the real estate of married women liable for debts contracted by her, and for necessities furnished her family, and for work and labor performed on such real estate, and declaring an emergency.	Orr.	165, 175, 347.
92	November 27.	A BILL to amend section 16 of an act entitled "An act concerning real property and the alienation thereof," approved May 6, 1852.	Hubbard.	166, 175, 345.
93	November 27.	A BILL limiting the number of grand and petit jurors in the Courts of this State.	Ringo.	166, 176, 344.
94	November 27.	A BILL concerning homes for friendless women, the collection and payments of fines and forfeitures, and repealing all laws conflicting therewith, and declaring an emergency.	Thompson.	166, 176, 254.
95	November 27.	A BILL to protect rivers, streams, or bodies of water from which water is taken, for the use of cities, towns, villages, or benevolent institution, and providing a penalty for a violation, and declaring an emergency.	Scott.	166, 176, 264.
96	November 27.	A BILL to encourage manufacturing in the State of Indiana, and allowing and legalizing conveyances of real estate, by and to foreign manufacturing companies, and declaring an emergency.	Hubbard.	166, 176, 257.
97	November 27.	A BILL to provide for the organization of an experimental school for the instruction of feeble-minded children.	Collett.	167, 176, 239.
98	November 27.	A BILL to prevent carrying concealed or dangerous weapons, and to provide punishment therefor.	Collett.	167, 176, 344.
99	November 27.	A BILL to authorize sureties upon notes, bills, bonds, or other instruments in writing, who have been compelled to pay the same for their principals, to collect off the principals interest on the amount paid by such sureties at the rate provided for in such original notes, bills,	Collett.	167, 176, 256.

# SENATE BILLS—Continued.

No.	When Introduced.	Title.	By Whom.	Action Thereon.
100	November 27.	bonds, or other instruments in writing, held against such principal. A BILL to amend section 352 and 354 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts in this State, to abolish distinct forms of action at law, and to provide for the administration of justice in uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.	Daggy.	167, 177, 203, 500.
101	November 27.	A BILL concerning contracts between Railroad Companies within this State for freights and passengers, and for the use of their roads.	Collett.	167, 177.
102	November 27.	A BILL to repeal all laws providing for the appraisement of property taken on execution or other final process.	Itabard.	167, 177, 345.
103	November 27.	A BILL to amend section 78 of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof."	Smith.	168, 177, 343.
104	November 27.	A BILL to repeal an act authorizing the assessment of lands for plank, macadamized, and gravel road purposes, describing the manner of assessing and collecting the same, approved May 14, 1853, and also authorizing companies who have organized and commenced work under provisions of the above act, to perfect their assessments and declaring an emergency.	Orr.	168, 177, 212.
105	December 2.	A BILL to authorize the Courts of Common Pleas to determine who the heirs, legatees, or distributors of a decedent are, and to order partial distribution of his estate among such heirs, distributees, or legatees, prior to the final settlement, and declaring an emergency.	Taylor.	171.
106	December 2.	A BILL to prescribe the qualifications of petit jurors in the several counties of the State.	Brown.	171.
107	December 2.	A BILL to secure the valuation and taxation of new railroads.	Neff.	171.
108	December 2.	A BILL in relation to the qualification of jurors in certain cases therein named.	Brown.	171.
109	December 2.	A BILL to amend section 31 of "An act to provide for the organization of Savings Banks, and the safe and proper management of their affairs," approved May 12, 1853, and declaring an emergency.	Scott.	171.
110	December 2.	A BILL to repeal section 18, and to amend section 21, of an act entitled "An act regulating descents, and the apportionment of estates," approved May 14, 1852.	Daggy.	172.

111	December 2.	A BILL to amend section 5 of an act entitled "An act to secure a just valuation and taxation of all railroad property within this State, to legalize the assessment, adjustment and payment of taxes for such property made subsequent to the year 1837," and declaring an emergency.	Neff.	173.
112	December 3.	A BILL to amend section nine, sixteen, seven, ten, eighteen, nineteen, twenty-eight, twenty-nine, thirty, thirty-two, forty-eight, forty-nine, fifty-two, and repealing sections twenty, twenty-four, twenty-five, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, of an act entitled "An act regulating the fees, salaries, and duties, of certain officers therein named, and prescribing penalties for the violation of its provisions," and repealing all laws in conflict therewith," and declaring an emergency.	Friedley, of Lawrence.	197, 201.
113	December 3.	A BILL to provide for calling a Convention to revise, alter or amend, the Constitution of Indiana.	Steele.	193.
114	December 3.	A BILL to suppress tippling houses and drunkenness, to regulate the sale, barter or giving away of spirituous or malt liquors, wine and other intoxicating liquors, to provide penalties for the violation of this act, and for the collection of damages from the use of intoxicating liquors, repealing all laws inconsistent with the provisions of this act, and declaring an emergency.	Neff.	193.
115	December 3.	A BILL to prevent extortionate charges for, and unjust discriminations in the transporting of freight by Railroad Companies, and other common carriers, and to provide remedy when such extortions or discriminations are practiced.	Brown.	199, 287, 334.
116	December 3.	A BILL to amend sections 95, 96 and 97, of an act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereof, and forms to be used in certain such settlements," approved June 17, 1852, and legalizing certain sales of real estate heretofore made by foreign administrators, and declaring an emergency.	Dwiggins.	209.
117	December 3.	A BILL regulating the granting of divorces, nullification of marriages, and decrees and orders of Courts incident thereto, and repealing all laws conflicting with this act, and declaring an emergency.	Orr.	201.
118	December 5.	A BILL to repeal all laws now in force establishing the times of holding Circuit Courts in the Second Judicial Circuit, to fix the time of holding said Courts, requiring all persons to take notice thereof, for the return of process, and declaring when this act shall take effect.	Bowman.	221, 366, 403, 404, 410, 427, 442, 521.
119	December 5.	A BILL to amend an act entitled "An act to establish Courts of Common Pleas, and defining the jurisdiction and duties of, and providing compensation for the Judges thereof.	Deeson.	221.
120	December 5.	A BILL to protect the ballot box, to prevent a fair election, to define felonies, and prescribe punishment therefor.	Armstrong.	221.
121	December 5.	A BILL to amend an act entitled "An act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to Railroad Companies," approved May 12, 1859, and declaring an emergency.	Thompson.	222.
122	December 5.	A BILL to legalize in certain cases and under certain conditions, appropriation made by Boards of County Commissioners to aid in building railroads previous to the twelfth day of May, 1863, and	Harney.	223, 367, 495.

## SENATE BILLS—Continued.

No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	ACTION THEREON.
123	December 5.	when the appropriations made without the authority of law, and declaring an emergency. 22 of an act entitled "An act concerning A BILL to amend section 22 of an act entitled "An act concerning enclosures, trespassing animals and partition fences," approved June 4, 1852, declaring it a misdemeanor, to violate the provisions of this act, prescribing punishments therefor, and declaring an emergency for the taking effect of this act.	Glessner.	223.
124	December 5.	A BILL to define what shall be the salary of the Governor, the manner of paying the same and declaring an emergency.	Williams.	223, 232, 233, 249, 291, 331.
125	December 5.	A BILL to provide for the finishing the State building at the corner of Washington and Tennessee streets, by erecting stone platforms in front of the offices on both of said streets.	Oliver.	223.
126	December 5.	A BILL to amend section 1 of an act providing for the election or appointment of Supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto, approved March 5, 1859.	Slater.	223.
127	December 5.	A BILL in relation to the collection of promissory notes and contracts given for a patent right or territory for a patent right, authorizing the collection of judgments taken by default in certain cases to be enjoined, enlarging the defense to such notes and contracts when payable in bank, providing when such suits shall be commenced, and declaring an emergency.	Rhodes.	224.
128	December 5.	A BILL in relation to the rights and powers of married women.	Hubbard.	234.
129	December 5.	A BILL relating to insurance companies.	Daggy.	224.
130	December 7.	A BILL to establish a Sanitarium.	Hall.	267, 372.
131	December 7.	A BILL supplemental to an act entitled "An act to establish a Female Prison and Reformatory Institution for girls and women, and to provide for the organization and government thereof, and making appropriations," approved May 13, 1869.	Taylor.	267.
132	December 7.	A BILL to amend the 20th section of an act approved May 13, 1869, and entitled "An act to establish a Female Prison and Reformatory Institution for girls and women, to provide for the organization and government thereof, and making appropriations,"	Brown.	267.
133	December 7.	A BILL to provide for a more improved system of College and University education, and providing for the disposition of the war bonds of the State, and for the construction of certain buildings in the city of Indianapolis, and other matters properly connected therewith, and declaring an emergency.	Scott.	267.

134	December 7.	A BILL to create the 26th Judicial District of the Court of Common Pleas, defining what counties shall compose the same, fixing the time of holding the courts therein, and the duration of the terms thereof, and making all process from the present Common Pleas Court therein returnable to such terms, providing for the appointment of a judge and district attorney for such district, declaring when the same shall take effect, and repealing all laws that are inconsistent therewith.	Friedley, of Lawrence.	267, 316.
135	December 7.	A BILL to constitute the 30th Judicial Circuit.	Gooding.	268, 363.
136	December 7.	A BILL pertaining to division walls, and digging cellars where there is adjoining property of another person, in cities or towns.	Thompson.	268.
137	December 7.	A BILL fixing the time of holding the Court of Common Pleas in the 11th Judicial District, and repealing all other laws on the same subject.	Hough.	268.
138	December 7.	A BILL prescribing the limitation of civil actions, and proceedings upon judgments, and decrees of courts, and repealing all laws in conflict therewith.	Taylor.	268.
139	December 7.	A BILL to enable Railroad Companies to alter their lines under certain cases, and declaring an emergency.	Beardsley.	269.
140	December 7.	A BILL to amend section 3, and repeal section 4, of an act entitled "An act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31, 1852.	Howard.	269.
141	December 9.	A BILL in relation to the funded debt of the State of Indiana, therein mentioned.	Judiciary Committee.	278, 279, 341, 381
142	December 9.	A BILL providing for the taking the sense of the qualified voters of this State on the calling of a convention to alter, amend, or revise the Constitution of this State.	Gregg.	281.
143	December 9.	A BILL to restrain all persons from hiring or employing persons under the age of twenty-one years, to make or vend by the whole-sale or retail any spirituous or intoxicating liquors, and prescribing penalties therefor, and declaring an emergency.	Steele.	285.
144	December 9.	A BILL to amend section 4 of an act entitled "An act authorizing the assessment of lands for plank, macadamized and gravel roads, prescribing the manner of assessing and collecting the same," and repealing the law on that subject, approved May 14, 1868, providing compensation for County Auditor, in such assessment, and declaring an emergency.	O'Brien.	285.
145	December 12.	A BILL in relation to the organization of the two Houses of the General Assembly, prescribing the number of officers and employees of each House, and regulating their duties.	Beardsley.	329, 366, 371, 373, 427, 466, 523, 525, 546, 659.
146	December 13.	A BILL to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and apportioning the same among the several counties of this State, and declaring an emergency.	Dwiggins.	358, 387, 420, 489, 519, 523.
147	December 13.	A BILL exempting certain personal property from sale on execution.	Brown.	358, 470.
148	December 13.	A BILL to provide for the relocation of county seats, and repealing all laws contravening the provisions of this act, and declaring an emergency.	Dittmore.	358, 374, 523.

## SENATE BILLS—Continued.

No.	WHEN INTRODUCED.	TITLE.	BY WHOM.	ACTION THEREON.
149	December 13.	A BILL providing for the re-organization and government of the State Prison, for the appointment of a Board of Commissioners to have charge of the same.	Wadge.	359, 404.
150	December 13.	A BILL to legalize taxes heretofore levied for the purpose of tuition, by the school trustees of any of the incorporated cities of this State, and authorizing the collection of the same, and declaring an emergency.	Armstrong.	359, 400, 457, 459, 460.
151	December 13.	A BILL to amend the first section of an act entitled an act for the incorporation of manufacturing and mining companies and companies for mechanical and chemical and building purposes," approved May 20, 1852, so as to provide for the incorporation of companies to furnish motive power, to carry on such business, or to supply any city or village with water, approved March 11, 1851, so as to authorize and provide for the incorporation of union stock yards and transit companies, and also to authorize and provide for the incorporation of grain elevator companies, and legalizing the incorporation of grain companies already formed, or attempting to be formed, and to which this is an amendment, and declaring an emergency.	Oliver.	359, 406, 452, 453, 517, 548.
152	December 13.	A BILL amending section 26 of an act regulating descents and the apportionment of estates, and declaring an emergency.	Orr.	360.
153	December 13.	A BILL to amend an act entitled "An act to create a State Normal School," etc., approved December 20, 1855, and adding supplemental sections thereto, and providing for certain appropriations."	Scott.	360.
154	December 13.	A BILL to amend the seventh section of an act entitled "An act regulating the granting of divorces."	Hall.	360.
155	December 13.	A BILL to provide for the reimbursement to certain counties therein named, of certain taxes illegally assessed and collected for the year 1853, and paid into the State Treasury, and declaring an emergency.	Bowman.	361.
156	December 13.	A BILL to authorize cities, constructing water works, to issue bonds, and dispose of the same in aid of the construction of such water works.	Hubbard.	361.
157	December 13.	A BILL to authorize the purchase of stationery for the use of county officers of this State, and the Circuit, Common Pleas, Superior and Criminal Courts, providing penalties for its violation, repealing all laws in conflict with this act, and declaring an emergency.	Rhodes.	361, 404, 465.
158	December 13.	A BILL to repeal an act entitled "An act to authorize aid to the construction of railroads by counties and townships, taking stock in, and making donations to railroad companies."	Committee on County and Township Business.	354.



159	December 14.	A BILL to provide for the submission to the qualified voters of this State, for their ratification or rejection, a proposed amendment to the Constitution of Indiana, therein mentioned, and declaring an emergency.	Dwiggin.	383, 384.
160	December 14.	A BILL to amend an act to incorporate the Lawrenceburg Insurance Company.	Gouding.	398.
161	December 16.	A BILL requiring the Boards of County Commissioners to refund to tax-payers, taxes levied and collected specially to aid in the construction of railroads, when the purposes for which the same were collected, shall have or may fail.	Harney.	405, 403, 499.
162	December 16.	A BILL to repeal an act entitled "An act to repeal Section 31 of an act entitled 'An act concerning real property, and the alienation thereof,' approved May 6, 1839, and to authorize the record of deeds or transcripts thereof, to be read in evidence in Courts of Justice, in this State."	Scott.	406.
163	December 16.	A BILL to amend Section 7 of an act, entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of the county and township officers in relation thereto," and declaring an emergency.	Neff.	406.
164	December 16.	A BILL for an act to fix the number of Senators and Representatives in the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State.	Williams.	406.
165	December 19.	A BILL regulating certain matters of legislative practice in the two Houses of the General Assembly of the State of Indiana.	Chapman.	431, 432, 548, 556, 559.
166	December 19.	A BILL to regulate the sale of county property and the letting of public buildings and bridges and fences and monuments, and declaring an emergency.	Scott.	483, 485, 486, 516, 528, 545, 558, 559.
167	December 19.	A BILL fixing the time of holding the Court of Common Pleas of Ripley County, in the Twenty-second Common Pleas District of this State and declaring an emergency.	Rosebrugh.	496, 497.

## HOUSE BILLS.

No.	WHEN RECEIVED.	TITLE.	AUTHORS OF BILLS.	ACTION THEREON.
33	November 20.	AN ACT appropriating seventy-five thousand dollars to defray the expenses of the Special Session of 1872 of the General Assembly of the State of Indiana.	Wood.	68, 74, 76, 94.
22	November 20.	A BILL to amend the first section and the title of an act, approved March 4, 1865, entitled "An act providing for the completion of the unfinished business of any session of the General Assembly by the next succeeding special session of the same General Assembly."	Branham.	68, 121, 151, 221, 242.
7	November 23.	A BILL providing that Justices of the Peace shall have exclusive original jurisdiction in certain cases of misdemeanors, and repealing all acts in conflict with this act.	Given.	111, 134, 154, 180, 461, 402-466.
27	November 23.	A BILL concerning interest on judgments.	Wilson, of Ripley and Jefferson.	111, 134, 154, 180.
32	November 23.	A BILL to provide for the time of holding the Court of Common Pleas in the 10th Judicial District of the State, and to repeal all laws in conflict therewith.	Wood.	111, 134, 154, 263, 364, 365, 416, 424.
8	November 26.	A BILL to prevent hunting and shooting on inclosed land, without consent of the owner or occupant thereof, and providing a penalty therefor.	Furnas.	139, 172, 444, 448, 500, 511.
26	November 26.	A BILL to amend section 9 of an act entitled "An act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, power, and duties in civil cases," approved June 9, 1852, and repealing all laws and parts of laws in conflict therewith.	Wilson, of Ripley.	139, 173.
37	November 26.	A BILL authorizing an appropriation of money out of the State Treasury for the use of Indiana University, located at Bloomington, Menroe county, in paying debts created by borrowing money for the current expenses in the year 1870 and 1871.	King.	139, 173, 318, 322, 370, 376.
49	November 26.	A BILL creating the 22d Judicial Circuit of Indiana, and fixing the time of holding Circuit Courts therein, and declaring an emergency.	Cowgill.	139, 173, 205, 262, 300, 320, 362, 383, 400.
50	November 26.	A BILL to amend the fifth section of an act entitled "An act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs," approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled "An act for the protection of sheep," approved June 11, 1862, prescribing the duties of Township Trustees in relation thereto, adding an additional section, and declaring an emergency.	Odle.	139, 173.

69	November 26.	A BILL in relation to the settlement of Supervisors of Highways with Township Trustees, defining the time for settlements.	Kirkpatrick.	140, 173.
72	November 26.	A BILL in relation to Criminal Circuit Courts, and to create the 290th Judicial Circuit, providing for the appointment and electing of a Judge and Prosecuting Attorney therein, and providing compensation therefor, declaring the jurisdiction of said Court, and providing for a transfer of action thereto.	Branham.	140, 174, 401, 476, 477.
81	November 26.	A BILL to amend sections 2, 3, 4 and 6 of an act entitled "An act to provide for the relocation of county seats, and for the erection of public buildings in counties in case of such relocation," approved March 2, 1855, and to amend section 2 of an act amendatory of said act, approved Dec. 18, 1855, and to amend section 2 of an act amendatory of said act, approved Feb. 24, 1858.	Walker.	140, 174, 201, 499.
95	November 26.	A BILL authorizing cities and towns incorporated under the authority of the State of Indiana, to make and adopt a survey and plat thereof, when there is no sufficient survey and plat thereof, and to authorize such cities and towns to adopt any survey and plat thereof already made, and declaring an emergency.	Cauthorn.	140, 174, 454, 476.
98	November 26.	A BILL to make certain specific appropriations therein mentioned.	Johnson.	140, 174, 224, 225, 273.
119	November 26.	A BILL in relation to organizing the two Houses of the General Assembly, and defining certain duties of certain officers in relation thereto, and declaring an emergency.	Cauthorn.	140, 174, 308, 427, 446, 461.
92	December 3.	A BILL to amend an act entitled "An act to establish a House of Refuge for the correction and reformation of juvenile offenders," approved March 6, 1867, and repealing section 11 of said act.	Baxter.	191, 226, 227, 273.
71	December 3.	A BILL to amend section 60 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and prescribing their powers, and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.	Branham.	131, 270.
162	December 5.	A BILL to authorize cities to correct the erroneous listing, description, and assessment of real estate liable to city taxes, and when so corrected to collect all taxes due thereon, and to list, assess, and collect taxes on any property liable to city taxes of any person or persons who have furnished the assessor with a false or defective statement of his or their property, or the value thereof.	Cauthorn.	229, 271.
70	December 5.	A BILL to enable counties bordering on the State lines or rivers forming State boundaries, and townships and cities therein, to aid the construction of railroads opposite such counties in other States to run to such counties or to the State line or river forming the State boundary bordering such counties, or to form connections with other railroads in such counties, and prescribing the duties of the officers of counties for that purpose, and authorizing such cities to issue bonds for such aid, and declaring an emergency.	Branham.	229, 269, 297, 299, 353.
35	December 6.	A BILL to amend an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in criminal actions in the courts of this State."	Johnson.	235, 269.
114	December 6.	A BILL to amend the first section of an act to authorize any person desiring to erect a flouring mill, or other machinery to be propelled by water, on his own land, to make a race-way below such mill or	Walker.	235, 270.

## HOUSE BILLS—Continued.

No.	WHEN RECEIVED.	TITLE.	AUTHORS OF BILL.	ACTION THEREON.
134	December 6.	machinery through land belonging to other persons, and to regulate the assessment and payment of damages therefor, approved March 1, 1853. A BILL to fix the time of holding Circuit Courts, and length of terms thereof, in the several counties comprising the Twelfth Judicial Circuit of the State of Indiana, and providing for return of process thereto.	Gregory.	236, 270, 412, 472, 531.
137	December 6.	A BILL to amend an act entitled "An act to revise, simplify, and abridge the rules, practice and pleadings, and forms, in criminal actions in the Courts in this State."	Johnson.	236, 271, 394, 501
155	December 7.	A BILL providing for a general system of common schools in all cities of eight thousand or more inhabitants, and for the election of a Board of School Commissioners for such cities, and defining their duties and prescribing their powers, and providing for common school libraries within such cities; and providing that cities having a less population than eight thousand inhabitants may, by a majority vote of the members of the Common Council, order the election of members of a Board of School Commissioners, according to the provisions herein, and defining their powers and duties, and repealing all laws in conflict therewith, and declaring an emergency.	Walker.	249, 271.
6 26	December 7. December 7.	A BILL creating the Indiana Centennial Association. A BILL to amend sections one and six of an act entitled "An act to incorporate the Franklin Insurance Company," approved Feb. 13, 1851.	Kimball. Kimball.	248, 269. 248, 269.
59	December 7.	A BILL to amend section six of an act entitled "An act to amend an act entitled an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers, in relation thereto," approved March 5, 1859; approved December 20, 1855.	Ellsworth.	248, 269.
139	December 7.	A BILL relating to expenses incurred by one county by change of venue from another county.	North.	248, 271, 506.
144	December 7.	A BILL to provide for the crossing of railroads, the keeping in repair such crossing, and providing for the expense thereof.	Cowgill.	249, 271.
3	December 11.	A BILL to repeal an act for the construction of levees, dykes, and drains, by incorporated companies and associations, which act took effect May 22, 1839, and also to repeal an act supplemental thereto, approved February 22, 1871, and saving from the operation of this act all works ten miles in length and under.	Butterworth.	475.
152	December 11.	A BILL to amend an act entitled "An act to provide for the incorporation of railroad companies,"	Kimball.	309.

118	December 11.	A BILL making the parties competent witnesses as to certain matters in actions by executors or administrators, upon contracts assigned to the decedents.	Wilson, of Ripley.	309.
73	December 11.	A BILL fixing the per diem and mileage of members of the General Assembly, and providing that they shall provide their own stationery.	Wilson, of Ripley.	309, 313, 324, 417, 427, 440, 442.
151	December 11.	A BILL to amend an act entitled "An act to declare abandoned certain unfinished railroads, and to provide for their completion, to declare forfeited the franchises of certain railroad companies, and for the assessment of the value thereof, for the organization of new companies, and for making annual statements."	Kimball.	309.
128	December 11.	A BILL empowering the Board of Trustees of any incorporated town within this State to compel owners of lots to plant, maintain, and protect shade trees within the same.	Tully.	309.
115	December 11.	A BILL to repeal an act entitled "An act to regulate the sale of patent rights, and to prevent frauds in connection therewith," which act took effect April 23, 1869.	Miller.	309.
90	December 13.	A BILL touching public squares in towns laid out, platted and recorded, with public grounds not specifically dedicated, and the matters therewith connected.	Rumsey.	341, 450, 451.
112	December 13.	A BILL to render wives competent to testify in action brought for injuries done to them.	Johnson.	341.
61	December 13.	A BILL making the first day of January, the fourth day of July, the twenty-fifth day of December, Thanksgiving, and the days of the General Election, State and Presidential, holidays; and to regulate the maturity of commercial paper falling due on said days.	Buskirk.	341.
163	December 14.	A BILL to provide for a uniform assessment of property, and for the collection and return of taxes.	Kimball.	378, 380, 437, 439, 544, 550.
2	December 14.	A BILL to fix the time of holding the Courts in the Third Judicial Circuit, the duration of the terms thereof, and declaring when this act shall take effect, and repealing all laws inconsistent therewith.	Reed.	379.
172	December 14.	A BILL to fix the time of holding the terms of the Common Pleas Courts in the several counties, composing the Sixth Judicial District, the duration of such terms, and repealing all laws in conflict therewith.	Broadus.	379, 431, 455, 456, 531.
235	December 14.	A BILL supplemental to "An act to authorize aid to the construction of railroads by counties and townships, taking stock in, and making donation to railroad companies," approved May 12, 1869.	King.	385, 405, 461, 500, 507, 508.
257	December 17.	A BILL to amend the 3d section of an act, entitled "An act districting the State for judicial circuits," approved June 17, 1852.	Wolfin.	427, 433, 434, 440, 442.
258	December 17.	A BILL to amend the 1st section of an act, entitled "An act to create the Fifteenth Judicial Circuit," approved February 22, 1856.	Wolfin.	428, 436.
130	December 17.	A BILL to render uniform the rate of interest on the Common School Funds of the State of Indiana.	Leinfesty.	436.
142	December 17.	A BILL defining certain felonies and prescribing punishment therefor, compelling the testimony of parties engaged therein against others than themselves, declaring contracts with respect thereto void, and repealing all acts in conflict with this act.	Edwards, of Vigo.	436, 463, 478, 506, 541, 550.
177	December 17.	A BILL fixing the time of holding the Courts in the counties composing the First Judicial Circuit of this State, and repealing all laws conflicting herewith and declaring an emergency.	Wilson, of Ripley.	436.

# HOUSE BILLS—Continued.

No.	WHEN RECEIVED.	TITLE.	NAME OF AUTHORS.	ACTION THEREON.
227	December 17.	A BILL providing for the payment to township trustees of all moneys which shall have been collected from townships, for either general, special or specific purposes, except such moneys as may have been collected from townships for State and county revenue, and prescribing punishment of officers failing to comply with the requirements hereof, and repealing all laws inconsistent therewith.	Giffard.	435, 443, 499, 505.
198	December 17.	A BILL to amend sections 15, 19, 34, and 49, of an act approved May 12, 1891, entitled "An act providing for the organization of Savings Banks, and the safe and proper management of their affairs."	Riggs.	435.
123	December 17.	A BILL prescribing time for transaction of road business, and for appointment of superintendent and physician for poor.	Billingsley.	435.
138	December 17.	A BILL to amend the third section of the act entitled "An act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings and pay the debts contracted for erection of such buildings, and authorize the levy and collection of additional special school tax, for the payment of principal and interest of such bonds," approved March 11, 1867.	North.	435.
113	December 17.	A BILL to amend section 2 of an act entitled "An act to amend sections 4 and 7 of an act to provide for the election, fixing the compensation and prescribing the duties of the Attorney General of the State of Indiana," approved June 3, 1891.	Riggs.	435, 458.
174	December 17.	A BILL to amend section 32 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.	Baker.	435.
171	December 17.	A BILL prescribing the manner of selecting petit jurors for the Circuit and Common Pleas Courts, and declaring an emergency.	Given.	440.
241	December 17.	A BILL to give security to persons who contract with railroad companies to perform work and labor in the construction of railroads, and declaring an emergency.	Claypool.	441, 515.
136	December 18.	A BILL to amend section 647 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleading, and forms in civil cases in the Courts in this State," etc.	Lenfesty.	446.
56	December 18.	A BILL authorizing the appropriation of money out of the State Treasury, for the use of the Indiana University, located at Bloomington, Monroe county.	Furnas.	446.

185	December 18.	A BILL to legalize the official acts of the Boards of Trustees of the town of Huntington, Dubois county, Ind., and all other officers of said corporation, under an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, and the by-laws, rules, regulations and proceedings adopted in pursuance thereof.	Peed.	452, 469, 471.
218	December 19.	A BILL to amend section 208 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.	Wilson of Ripley.	475.
210	December 19.	A BILL to amend the twentieth section of an act, approved May 13, 1859, and entitled "An act to establish a Female Prison and Reformatory Institution for Girls and Women, providing for the organization and government thereof, and making appropriation."	Baxter.	475.
211	December 19.	A BILL supplemental to an act entitled "An act to establish a Female Prison and Reformatory Institution for girls and women, and to provide for the organization and government thereof, and making appropriation," approved May 13, 1859.	Baxter.	475, 495, 496, 514.
214	December 19.	A BILL to amend sections 25 and 26 of an act entitled "An act regulating descents and apportionment of estates," approved May 14, 1852.	Wilson of Ripley.	475.
167	December 19.	A BILL to preserve the original manuscript Journals of the Senate and House of Representatives of the General Assembly, and prescribing a penalty for the mutilation thereof.	Cauthorn.	474.
170	December 19.	A BILL to amend sections 157 and 661 of an act to revise, simplify the rules, etc.	Brett.	474.
178	December 19.	A BILL to amend section 1 of an act entitled "An act to amend section seventy-seven of an act entitled 'An act to revise, simplify and abridge the rules, practice and pleadings and forms in Criminal actions in the Courts of this State,'" approved June 17, 1852; approved December 20, 1855.	Wilson of Ripley.	474.
188	December 20.	A BILL to amend section 43 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the Courts in this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.	Shirley.	475.
259	December 20.	A Bill regulating coal mines and the working thereof, providing for the appointment of a Mine Inspector, regulating his duties, &c.	Committee of Ways and Means.	511, 517, 518, 531, 537, 543, 518, 553.
230	December 20.		Gifford.	550.

## SENATE JOINT RESOLUTIONS.

No.	WHEN INTRODUCED.	TITLE.	BY WHOM INTRODUCED.	ACTION THEREON.
1	November 25.	A JOINT RESOLUTION in regard to the improvement of the Ohio and Wabash rivers and their tributaries.	Gregg.	127, 128.
2	December 6.	A JOINT RESOLUTION in relation to the two per cent. claims of Ohio, Indiana and Illinois, now pending before Congress.	Steele.	244, 329, 338, 353, 381.
3	December 19.	A JOINT RESOLUTION instructing our Senators in Congress to support an act pending in the Senate of the United States.	Gregg.	487, 513, 545.



# HOUSE JOINT RESOLUTIONS RECEIVED IN SENATE.

No.	RECEIVED FROM HOUSE.	TITLE.	INTRODUCED BY.	ACTION THEREON.
5	November 26.	A JOINT RESOLUTION instructing our Senators and requesting our Representatives to vote against any measure in Congress to divide the State into two or more judicial districts.	Branham.	—
3	November 26.	A JOINT RESOLUTION instructing our Senators and requesting our Representatives in Congress, to secure the passage of a law to equalize the bounties of the soldiers and seamen of the United States in War of the Rebellion.	Edwards, of Lawrence.	139, 545.
2	November 18.	A JOINT RESOLUTION agreeing to and adopting an amendment proposed to the Constitution by the last General Assembly, by adding to the Ninth Article, a section in relation to the debts charged upon the Wabash and Erie Canal.		182, 281.
6	December 6.	A JOINT RESOLUTION in relation to the Indiana Reformatory Institution for Women and Girls.	Baxter.	236.
7	December 18.	A JOINT RESOLUTION in relation to an appropriation by Congress for the completion of the harbor at Michigan City.	Teeter.	233, 439, 531.
4	December 6.	A JOINT RESOLUTION in relation to an appropriation by Congress for the improvement of the Ohio River.	Schmuck.	239.
8	December 7.	A JOINT RESOLUTION in relation to the two per cent. claims of Ohio, Indiana and Illinois, now pending before Congress.	Branham.	248.
9	December 7.	A JOINT RESOLUTION in relation to an appropriation by Congress for improvement of the Wabash River.	Canahorn.	249.

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**BEESON, OTHNIEL—**

Appeared and took his seat.....	4
Committees appointed on, standing.....	46, 47, 48
Committees appointed on, select.....	6, 34
Resolutions offered by.....	33, 34, 73, 558
Reports made by.....	36, 99, 123, 157, 214, 547
Bills introduced by.....	39, 76, 115, 221
Petitions presented by.....	69, 99
Motions made by.....	103, 224, 226, 227, 374, 430, 455, 495, 496, 514

**BIRD, OCHMIG—**

Appeared and took his seat.....	4
Bills introduced by.....	45
Committees appointed on, standing.....	46, 48
Committees appointed on, select.....	52, 122
Reports made by.....	100
Motions made by.....	100, 172
Petitions presented by.....	237

**BOONE. ANDREW J.—**

Appeared and sworn in .....	5
Committees appointed on, standing.....	45, 46, 48
Bills introduced by.....	65, 115
Resolutions offered by.....	91, 112, 126, 219
Motions made by.....	105, 246, 310, 313, 334, 338, 498, 512
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**BOWMAN, JOHN A.—**

Appeared and sworn in.....	5
Committees appointed on, standing.....	46, 48
Committees appointed on, select.....	117, 367
Bills introduced by.....	97, 221, 360
Reports made by.....	153
Motions made by.....	365, 395, 409

**BROWN, JASON B.—**

Appeared and took his seat.....	4
Bills introduced by .....	171, 199, 267, 348
Committees appointed on, standing.....	45, 46 48
Committees appointed on, select.....	13, 34, 133, 218, 367
Motions made by.....	10, 13, 35, 39, 42, 43, 49, 64, 67, 72, 84, 88, 103, 110, 121, 122 125, 133, 135, 141, 142, 150, 153, 157, 183 186, 191, 207, 208, 219, 223, 240, 241, 242 243, 244, 253, 270, 280, 281, 293, 302, 307 312, 313, 322, 324, 330, 334, 335, 347, 348 366, 367, 372, 377, 380, 381, 382, 389, 394 400, 402, 403, 409, 417, 425, 426, 429, 438 448, 449, 460, 461, 470, 477, 491, 502, 514 517, 518, 520, 524, 531, 535, 540, 561, 562
Resolutions offered by .....	12, 24, 524, 555
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Petitions presented by.....	111, 437

**BUNYAN, WILLIAM—**

Appeared and sworn in .....	5
Committees appointed on, standing.....	46, 47, 48
Motions made by.....	101, 461, 462, 535
Petitions presented by.....	206, 342
Reports made by.....	215, 483

**C****CARNAHAN, MAGNUS T.—**

Appeared and took his seat .....	13
Committees appointed on, standing.....	46, 47, 48
Motions made by.....	97, 101, 330, 340, 364, 376, 390, 473, 523, 528
Bills introduced by .....	114
Resolutions offered by.....	329
Reports made by.....	506

## CAVE, LEROY—

Appeared and took his seat.....	4
Committees appointed on, standing.....	46, 48
Committees appointed on, select.....	34
Bills introduced by .....	38, 49, 64, 77
Resolutions offered by.....	480, 558
Motions made by.....	53, 63, 367, 469, 470, 480
Reports made by.....	94, 178, 212

## CHAPMAN, CHARLES W.—

Appeared and sworn in.....	5
Committees appointed on, standing.....	46, 47, 48
Committees appointed on, select.....	122, 202
Motions made by.....	136, 164, 165, 311, 339, 481, 534, 543
Bills introduced by.....	164, 481

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Nominated for doorkeeper.....	8
Voted for as doorkeeper.....	9

## COLE, JAMES W.—

Senate called to order by.....	4
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## COLLETT, JOHN—

Appeared and took his seat.....	4
Committees appointed on, standing.....	45
Bills introduced by .....	115, 116, 166, 167
Reports made by.....	147, 190, 245, 261, 284, 285, 302, 315, 338, 396 411, 422, 437, 442, 448, 463, 464, 486, 487 515, 525, 527, 530, 550, 551, 553, 557
Motions made by.....	158, 189, 240
Petitions presented by.....	342

## CULVER, P. P.—

Nominated Assistant Secretary.....	7
Elected Assistant Secretary.....	8

## D

## DAGGY, ADDISON—

Appeared and sworn in.....	5
Committees appointed on, standing.....	45, 46, 47, 48
Committees appointed on, select.....	203, 218, 500
Motions made by.....	58, 123, 206, 213, 271, 276, 283, 286 296, 322, 375, 447, 460, 461, 505 509, 516, 534, 535, 537, 544, 552 553, 555, 557, 560, 561
Reports made by.....	123, 124, 258, 263, 546
Bills introduced by.....	167, 171
Petitions presented by.....	206, 342
Resolutions offered by.....	266, 337

## DAUGHERTY, HUGH—

Appeared and took his seat.....	4
Bills introduced by.....	31, 106
Committees appointed on, standing.....	45, 46, 48
Committees appointed on, select.....	53, 203
Resolutions offered by.....	58
Motions made by.....	157, 201, 321
Claims presented by.....	250



**DITTEMORE, WILEY E.—**

Appeared and took his seat.....	4
Committees appointed on, standing.....	45, 46, 47, 48
Committees appointed on, select.....	31, 122, 202, 218, 531, 560
Resolutions offered by.....	36, 58, 94, 100, 158, 217, 220 561
Reports made by.....	71
Motions made by.....	33, 39, 53, 64, 74, 75, 78, 85, 86, 94, 101, 108, 111 133, 142, 163, 188, 207, 232, 234, 246, 261, 264 266, 273, 293, 295, 297, 302, 304, 305, 306, 309 324, 381, 389, 407, 414, 438, 560, 561
Nominations made by.....	137
Bills introduced by.....	358
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**DOWNEY, A. C.—**

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**DWIGGINS, ROBERT S.—**

Appeared and took his seat.....	4
Committees appointed on, standing.....	46, 48
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Bills introduced by.....	30, 35, 62, 104, 106, 200, 358, 383
Claims presented by.....	42
Reports made by.....	124, 210, 256, 348, 523
Petitions presented by.....	179, 296

**F****FRANCISCO, HIRAM—**

Appeared and took his seat.....	4
Committees appointed on, standing.....	46, 48
Committees appointed on, select.....	39, 122
Motions made by.....	110, 297

**FRIEDLEY, GEORGE W.—**

Appeared and sworn in.....	5
Nominated for President of Senate.....	6
Voted for as President of Senate.....	5
Elected President of Senate.....	6
Decision made by.....	31, 100, 491
Bills introduced.....	197
Motions made by.....	200, 316, 386, 388, 414, 420, 422, 512
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**FRIEDLEY, JONATHAN H.—**

Appeared and was sworn in.....	5
Bills introduced by.....	104, 267
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Committees appointed on, select.....	122, 203
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Claims presented by.....	160
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**FULLER BENONI S.—**

Appeared and took his seat.....	4
Nominations made by.....	5, 8
Bills introduced by.....	37
Committees appointed on, standing.....	45, 47, 48
Committees appointed on, select.....	117

**G****GLESSNER, OLIVER J.—**

Appeared and took his seat.....	4
Nominations made by.....	7
Resolutions offered by.....	10, 66, 524
Committees appointed on, standing.....	45, 47, 48
Committees appointed on, select.....	34, 208
Bills introduced by.....	58, 61, 104, 105, 223
Motions made by.....	78, 155, 168, 169, 207, 261, 331, 377, 388, 394, 398, 428, 431, 438, 443, 461, 477
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**GOODING, H. CLAY—**

Appeared and sworn in.....	5
Committees appointed on, standing.....	45, 46, 49
Committees appointed on, select.....	122, 202, 378
Bills introduced by.....	65, 109, 155, 155, 268, 398
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Reports made by.....	123, 157, 375
Motions made by.....	283, 301, 305, 307, 308, 363, 375, 383, 398, 401, 407, 408, 409, 420, 433, 436, 449, 458, 537
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**GREGG, RICHARD—**

Appeared and took his seat.....	4
Nominations made by.....	7
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Petitions presented by.....	401

**H****HALL, ABEL W.—**

Appeared and was sworn in.....	4
Committees appointed on, standing.....	48
Committees appointed on, select.....	34, 117, 202
Resolutions offered by.....	77, 101, 125
Reports made by.....	147, 272, 280, 292, 352, 358, 366, 441, 442, 446, 550, 551, 554
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Petitions presented by.....	249
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**HARNEY, J. F.—**

Appeared and sworn in.....	5
Committees appointed on, standing.....	45, 46, 47
Motions made by.....	300, 303, 367, 395, 459, 512
Resolutions offered by.....	103, 126
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**HAWORTH, RICHARD M.—**

Appeared and was sworn in.....	5
Resolutions offered by.....	32, 73, 96, 100
Committees appointed on, standing.....	46, 47, 48
Committees appointed on, select .....	39
Motions made by.....	68, 204, 235, 377, 431, 537
Bills introduced by.....	100, 107

**HOLMES, SAMUEL W.—**

Nominated for Secretary.....	7
Voted for Secretary.....	7

**HOUGH, WILLIAM R.—**

Appeared and sworn in.....	5
Committees appointed on, standing.....	45, 46, 47, 48
Resolutions offered by.....	62, 73, 160, 331
Bills introduced by.....	63, 97, 129, 268
Motions made by.....	92, 129, 130, 143, 247, 291, 295, 303, 312, 332, 437
Reports made by.....	259, 262
Petitions presented by.....	312

**HOWARD, W. IRVING.—**

Appeared and sworn in.....	5
Committees appointed on, standing .....	46, 47, 48
Reports made by.....	137, 188, 215
Bills introduced by.....	269

**HUBBARD, LUCIUS—**

Appeared and took his seat .....	4
Resolutions offered by.....	11
Committees appointed on, standing.....	46, 47, 48
Committees appointed on, select.....	24, 39, 191
Reports made by .....	40, 41, 146, 148, 149, 186, 200, 210, 211, 238, 239 250, 253, 254, 332, 338, 383, 405, 503, 511
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Appeared and took his seat.....	4
Bills introduced by.....	43
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Committees appointed on, select.....	33, 122
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Motions made by.....	205, 362, 363

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Nominated for United States Senator.....	137
Elected United States Senator.....	138

## N

## NEFF, ANDREW J.—

Appeared and sworn in.....	5
Resolutions offered by.....	33, 74, 546
Motions made by.....	37, 44, 98, 157, 168, 183, 199, 228, 313, 438, 444, 511, 542
Bills introduced by.....	44, 59, 64, 77, 171, 172, 198, 406
Committees appointed on, standing.....	45, 46, 47, 48
Reports made by.....	158, 213, 214, 301, 350, 351, 352, 423, 493, 494, 495, 547
Claims presented by.....	172, 292
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## O

## O'BRIEN, WILLIAM.—

Appeared and was sworn in.....	5
Committees appointed on, standing.....	46, 47, 48
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## OLIVER, DANDRIDGE II.—

Appeared and was sworn in.....	4
Committees appointed on, standing.....	46, 47, 48
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Appointed to organize Senate.....	4
Nominated for Secretary.....	6
Elected Secretary.....	7

## ORR, JAMES—

Appeared and was sworn in.....	5
Motions made by.....	6, 12, 60, 143, 158, 168, 221, 287, 291 304, 316, 329, 341, 444, 503, 523, 552
Resolutions offered by.....	9, 31, 35, 53, 73, 102, 137, 218
Committees appointed on, standing.....	46, 47, 48
Committees appointed on, select.....	34
Bills introduced by.....	43, 60, 106, 165, 168, 201, 300
Reports made by.....	143, 144, 212, 215, 354, 474, 518
Claims presented by.....	168, 201, 511
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Nominated for Doorkeeper.....	8
Elected Doorkeeper.....	8

## R

## RHODES, WILLIAM P.—

Appeared and was sworn in.....	5
Resolutions offered by.....	11, 57, 218
Committees appointed on, standing.....	45, 47, 48
Committees appointed on, select.....	34, 218
Reports made by.....	69, 300, 483,
Bills introduced by.....	109, 114, 154, 361
Motions made by.....	162, 235, 327, 404, 413, 449, 465, 515

## RINGO, MORGAN B.—

Appeared and sworn in.....	5
Committees appointed on, standing.....	46, 47, 48
Bills introduced by.....	166

## ROBERTS, OMER F.—

Nominated for Assistant Secretary.....	7
Voted for as Assistant Secretary.....	8

## ROSEBRUGH, MOSES K.—

Appeared and took his seat.....	4
Committees appointed on, standing.....	45, 47, 48
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Appeared and was sworn in.....	5
Bills introduced by.....	38, 107, 109
Committees appointed on, standing.....	47, 48
Motions made by.....	93, 336
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Appeared and sworn in.....	121
Committees appointed on, standing.....	45, 46, 47, 48
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Appeared and was sworn in.....	5
Committees appointed on, standing.....	45, 46, 47, 48
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Motions made by.....	99, 110, 120, 190, 274, 313, 373, 399, 421, 461, 501, 559, 512, 515, 551
Bills introduced by.....	109, 113, 165
Reports made by.....	112, 235, 351, 476, 529
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**SLATER, M. R.—**

Appeared and sworn in.....	5
Committees appointed on, standing.....	47, 48
Committees appointed on, select.....	218, 466
Bills introduced by.....	65, 223
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Petitions presented by.....	447

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Appeared and was sworn in.....	4
Bills introduced by.....	38, 39, 150, 168
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Appeared and took his seat.....	4
Committees appointed on, standing.....	46, 47, 48
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Appeared and took his seat.....	4
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Reports made by.....	112, 194, 371
Petitions presented by.....	136, 205, 342
Resolutions offered by.....	138, 444, 445

## THOMPSON, W. C.—

Appeared and was sworn in.....	4
Resolutions offered by.....	35, 60, 65, 96, 106, 107, 114, 166, 218, 222, 268
Committees appointed on, standing.....	46, 47
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Motions made by.....	88, 107, 108, 162, 164, 186, 196, 246, 274, 379, 392, 393, 404, 414, 415, 502
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Appeared and took his seat.....	4
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## WILLIAMS, JAMES D.—

Appeared and took his seat.....	4
Nominated for President of Senate.....	5
Voted for as President of Senate.....	6
Committees appointed on, standing.....	43, 46, 47, 48
Committees appointed on, select.....	6, 34, 117
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Appeared and was sworn in.....	5
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